

To: CN=Adora Andy/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[];
 N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[];
 N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[];
 N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[];
 N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[];
 N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[];
 N=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]
From: CN=David McIntosh/OU=DC/O=USEPA/C=US
Sent: Tue 9/22/2009 2:12:44 PM
Subject: Re: Murkowski Holding Press Conference on Amendment

No, not yesterday's quote. Today's quote. Seth will clue you in.

From: Adora Andy/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Date: 09/22/2009 10:11 AM
Subject: Re: Murkowski Holding Press Conference on Amendment

It's already with reporters.

Adora Andy
 Press Secretary
 U.S. Environmental Protection Agency
 Office of Public Affairs

202-564-2715
andy.adora@epa.gov

From: David McIntosh/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Cc: Adora Andy/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Date: 09/22/2009 10:09 AM
Subject: Re: Murkowski Holding Press Conference on Amendment

Deliberative

From: Seth Oster/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA
Date: 09/22/2009 10:08 AM
Subject: Murkowski Holding Press Conference on Amendment

FOR IMMEDIATE RELEASE
September 22, 2009

CONTACT: Press Office
202-863-8614

MEDIA ADVISORY

U.S. SENATOR LISA MURKOWSKI TO HOLD PRESS CONFERENCE CALL ON CLIMATE CHANGE

WASHINGTON – Alaska Senator Lisa Murkowski will hold a press conference call today at 3:00 p.m. EDT to discuss the president's speech on climate change in New York. Details of the press conference call are as follows:

Tuesday, September 22, 2009

WHAT: Press Conference Call

WHO: Senator Lisa Murkowski (R-AK)

WHEN: 3:00 p.m. EDT

CALL-IN 1-800-369-2045
Pass Code: RNC Communications

Seth Oster

Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Steve Owens/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Steve Owens/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Tue 9/22/2009 3:22:28 PM
Subject: TSCA Principles
[~6222148.doc](#)

Lisa -- The revised TSCA principles (with narratives under the six principles) are attached. The principles formulated by Phil (in his original language) are as follows;

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Essential Principles for Reform of Chemicals Management Legislation

Deliberative

Deliberative

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA[]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA[]; N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA[]

Cc: CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Adora Andy/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA[]; N=Adora Andy/OU=DC/O=USEPA/C=US@EPA;CN=Michael Moats/OU=DC/O=USEPA/C=US@EPA[]; N=Michael Moats/OU=DC/O=USEPA/C=US@EPA[]

From: CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US

Sent: Tue 9/22/2009 6:30:48 PM

Subject: Fw: Briefing by Todd Stern, Mike Froman, and Carol Browner on the President's Climate Change Speech

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 09/22/2009 02:29 PM -----

From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>

To: Allyn Brooks-LaSure/DC/USEPA/US@EPA

Date: 09/22/2009 02:28 PM

Subject: Briefing by Todd Stern, Mike Froman, and Carol Browner on the President's Climate Change Speech

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

September 22, 2009

PRESS BRIEFING BY

TODD STERN, U.S. SPECIAL ENVOY FOR CLIMATE CHANGE;

MICHAEL FROMAN, DEPUTY NATIONAL SECURITY ADVISOR

FOR INTERNATIONAL ECONOMIC AFFAIRS; AND

CAROL BROWNER, ASSISTANT TO THE PRESIDENT FOR

ENERGY AND CLIMATE CHANGE

Press Filing Center

Waldorf Astoria

New York, New York

10:35 A.M. EDT

MR. VIETOR: Thanks for joining us today. You are going to hear from Todd Stern, the U.S. Envoy for Climate Change; Mike Froman, Deputy National Security Advisor for International Economic Affairs; and Carol Browner, Assistant to the President for Energy and Climate Change. Both Carol and Mike were on the advisory, so you should have those titles. But Todd Stern, again, U.S. Special Envoy for Climate Change. And they're going to talk about the President's remarks and the policy. And I will hand it over to Todd.

MR. STERN: Thanks very much. I just have a few very quick comments at the top, and then we'll take questions. I just want to underscore what I think were kind of the key four points in the President's speech: First, he underscored his understanding of this issue and his commitment to address it, including getting a strong agreement in Copenhagen. Second, he articulated the substantial actions that the United States has already taken on this issue across a whole range of areas.

Third, I think he laid out what sort of three different groupings of countries need to don't with respect to this issue. He made it clear that the developed countries still have a responsibility to lead and need to make major reductions in their own emissions. Second, he said that the emerging markets, the major developing countries, also need to take significant actions to reduce their own emissions and need to stand behind their actions just the way developed countries need to stand behind theirs.

And then he talked about the other developing countries, the smaller ones, who are in a different position and who need to be supported through technical and financial assistance. So they're in a different category, in effect, in terms of what they need to do. Finally, he made it clear that we need to all act together and to be pragmatic, flexible, and get started on this process.

So I just wanted to underscore those points from the President's comments, and now we'll take questions.

Q So, Todd, in other words, he is saying that only the developing countries would actually have to meet targets that were internationally set -- I mean, the developed countries -- and he's calling on the major emerging economies to take unilateral action and make commitments that then they would stick by?

MR. STERN: He's not saying anything different with respect to those countries effectively than what is embedded in the Declaration of L'Aquila. So the developed countries need to commit to reductions in their emissions as against a baseline -- 2005 and 1990. The major developing countries need to also make major reductions; theirs will be relative against their trend line. And they also have to commit in the same way. We all have to stand behind what -- we have to stand behind what we're saying and they have to stand behind what they're saying that they're going to do.

The other developing countries, smaller developing countries are in a different -- they don't have the same kind of obligations in the midterm as we see it and as the President articulated.

Q But just so I understand this, are the emerging countries not going to have internationally set targets, like X percent from Y year by 2020, but rather kind of making their own commitments? Is there a difference, or isn't there a difference?

MR. STERN: It's not so much a difference between making their own or not, because I think that what you will see with respect to many countries is -- whether developed or developing -- countries offering up what they're prepared to do. The difference is that with respect to developed countries, it includes a reduction against a baseline, an actual economy-wide reduction against a baseline. With respect to the major developing countries, a commitment to carry out a set of actions which have a projected effect of reducing emissions, also significantly just against a projected trend line, as opposed to a past baseline.

Q Can you talk about your reaction to Hu's proposal on carbon intensity goals?

MR. STERN: As I understand it, President Hu said that China would be making a significant -- he didn't give a specific number, as far as I understand -- reduction in carbon intensity. I think it all depends on what how significant it is. I think that's -- China already has been -- in their current five-year plan, they have a 20-percent reduction target in terms of energy intensity. So that's 2006 to 2010. So I think what President Hu is talking about is shifting the metric from energy intensity to carbon intensity. That can be good, but it all depends on what the number is.

Q There was a reference in the President's speech to working with the G20 later this week on reductions or eliminations of subsidies for fossil fuels. Can you go into a little more detail on that? And also, anything on climate finance, which Ban Ki-moon actually talked about, saying it's necessary if any of this is going to work?

MR. STERN: Right. Well, as you know, at the Major Economies Forum meeting in L'Aquila in July, the leaders asked the G20 finance ministers to look into climate finance and do some work on that, and they've done some very good work and that will likely be discussed at the G20 meeting on Friday.

With regard to energy subsidies, as the President laid out, it's something we're working on with the rest of the G20. Energy subsidies have a significant impact on energy security, on climate change, on competitiveness, on health, and as well as on government finances. And it's an area that the G20 is considering taking action on. We'll

have more news for you hopefully later in the week.

Q The President is always talking about -- when he speaks to international crowds, the President frequently talks about the House climate change bill passing. What's your prognosis of when you think that's actually going to come on the President's desk?

MS. BROWNER: Well, as the President said in his statement today, one Senate committee has already acted, other Senate committees are in the process of acting. The health care has obviously taken up more time than was originally anticipated. But I think the work of the committee chairmen is an indication of how this remains a very important issue for the Senate.

We have said repeatedly that what we need is comprehensive energy legislation. We need the tools to begin the process of breaking our dependence on foreign oil. We need to create a new generation of green jobs, American jobs, and we need to put a cap on the dangerous pollutants that contribute to climate change.

We want a comprehensive package and we're doing everything we can to make that happen, to make it happen sooner rather than later. Back in I guess it was March people said we'd never get a bill out of the House. Well, we got a bill out of the House. So we're moving along in the process and remain committed to that.

Q Do you think by 2010?

MS. BROWNER: You all follow Congress. We all know that how the schedule works in Congress can change abruptly. It can go faster, it can go slower. What we need is comprehensive legislation, and we're going to do our best to get it as soon as we can.

Q One of the longstanding frustrations and we've heard it again today from -- (inaudible) -- and others is that rhetoric doesn't always lead to action. There's been so much talk. So I'm wondering, from the White House's perspective, how today's speech by the President specifically advances the debate. I mean, he talks about a shared burden, different roles for the developed and developing countries. Some of these themes have been said before, so how does this one -- how does the speech move it ahead?

MS. BROWNER: Let me make one comment and then turn it to my colleagues. One of the things that the President did today was detailed all the things we have done in terms of domestic action in our first eight months in office. It is very, very significant. We are not just talking about these issues; we are actually taking steps to achieve real reductions.

Today EPA is signing the first ever mandatory reporting requirement. Facilities will now have to report to the public their greenhouse gas emissions. It's a very important step. Earlier this month EPA and DOT announced the first ever integrated proposed rule for cars -- greenhouse gas emissions standards. We have never had greenhouse gas emissions standards before. By 2016 cars will have to achieve a 35.5 miles per gallon. Congress said get to 35 by 2020; we're doing it faster. Taken together that will achieve over the life of that program 1.8 billion-gallon reduction in oil.

So I think what you saw today -- there are many more that we can go through examples of this -- that we are absolutely committed to working on our domestic reductions. We want comprehensive energy legislation, but in the meantime we're using the laws on the books to make a very important down payment.

Q Ms. Browner, can I quickly say something on this? Senator Murkowski is talking about amending an appropriations bill to block the EPA from regulating greenhouse gases. Is that something -- if that passes, would the President veto that?

MS. BROWNER: Well, first of all, we don't think the amendment is a good idea. We don't think trying to legislate on appropriations bills is a good idea. You can end up with a lot of unintended consequences. The best way to

address the issue of climate change is to use comprehensive legislation to put together a package of all of the committee bills. And trying to do this with one or two sentences that would prohibit EPA from spending money to do X, Y, or Z will not necessarily get people what they think it's going to get them. And it could get you a situation where activities that should go forward -- like investments in carbon capture and storage -- wouldn't be able to go forward.

MR. STERN: Let me just address this question, too, for a minute. I think there are two important things that the President did that have to do with understanding what our expectations are for other countries, and also understanding a framing of what we're trying to do here. First of all, it has traditionally been the case that developing countries see -- and I'm talking including the major developing countries see a world in which obligations are supposed to be taken by developed countries, and no obligations by developing countries.

I think what the President is saying quite clearly is we absolutely need to take our own responsibility, developed countries absolutely need to take responsibility to do just the things that he said and stand behind those actions. But the major developing countries, where virtually all of the growth in emissions over the next 30 years is going to come, they also have to take actions. And they have to stand behind those actions to the same degree that the United States and the developed countries do. He is making that very clear. And that has not traditionally been the way that the climate change negotiations and the whole climate change international debate has gone on. So that's one thing.

The second thing is I think there have been a lot of developing countries not in the major category, in the smaller category, that have had significant anxiety in the context of these negotiations that what was being proposed was a cap on their emissions that was going to stifle their capacity to grow and develop. And I think what the President was also saying with respect to them is that's not at all the way we see this. We see this as not just an agreement to cap emissions, but a development agreement, a low-carbon development agreement where countries that are in the smaller category -- particularly the least developing but not only -- absolutely need the opportunity to grow, to develop, to raise their standards of living, to overcome poverty. And we need to be helpers -- people on the developed countries' side need to help in the context of providing technology assistance and the like. So I think those are actually quite important messages coming out of the speech.

Q Ban Ki-moon called on leaders to empower negotiators in Copenhagen. If health care continues to dominate the congressional schedule and there's nothing but a draft in December, won't the U.S. negotiators be hamstrung as far as your ability to negotiate a number?

MR. STERN: Look, I have been quite clear. I testified in the House about a week ago to the effect that we would like to see the maximum possible progress, just as Carol said, on our domestic legislation. In the event that there's not domestic legislation done by the time of Copenhagen, we will negotiate with that in mind. But certainly the most progress we can get would be helpful.

Q I have a follow-up. More people are talking about the fact that we should expect -- or in their view, we should expect a framework out of Copenhagen where a lot of the numbers need to be filled in later -- so, in essence, further negotiations in 2010. Is that your view?

MR. STERN: Look, I think that we want to get the most done in Copenhagen that we possibly can. I mean, I think that we don't -- if you go back two or three months ago, Yvo de Boer, who's the head of the U.N. Framework Convention, was quoted as saying, and I think Yvo has said this on a number of occasions -- every jot and tittle of this thing is not going to get done in December, there are going to be elements of this that aren't done. There were plenty of elements of Kyoto that weren't done in Kyoto. So I have no doubt that there will be elements and details, maybe even significant details, that aren't done yet. And that's always been the understanding. But our objective should be to get as much done on it and make as much progress as we possibly can.

Q I know we're going to the G20 in Pittsburgh and you don't want to get too far ahead of that. But can you give us just a little bit more detail on this proposal to phase out fossil fuel subsidies? It's just sort of hanging out

there.

MR. FROMAN: Look, I draw your attention to the fact that the OECD and the IEA have issued a report that indicates that if fossil fuel subsidies were eliminated, it would reduce greenhouse gas emissions by 10 percent by 2050. Our overall goal is 50 percent by 2050, so this could be a significant step forward. It's something we're working with the rest of the G20 on, and we hope to have more details about it later this week.

Q There's a great deal of disappointment it seems, from Europe about the U.S. stance. Do you think that there's any chance at all of matching the EU commitments in Copenhagen?

MR. FROMAN: This is a subject that we've -- I have had much conversation about with my UK and European colleagues. And I have explained on numerous occasions that what the U.S. is proposing to do -- first of all, what the President proposed in his budget, what is now in the legislation that came out of the House, would be a seismic turn in U.S. policy -- seismic change; that if you look at what we are doing, by most measures of comparability, we are around the same level, in some cases a higher level than the EU. The only measure of comparability in which there is a big gap is when you measure what's happening against the 1990 baseline.

We don't think there's any need to do that. We know that there's some history in the original documents for 1990, but the Obama administration came in 2009. We're talking about a more updated baseline. If you look at the more updated baseline, we're already -- the gap shrinks dramatically. If you add other factors, which are actually quite relevant -- like projected population growth, projected economic growth -- the effort that the United States would need to expend to reach what we're talking about is every bit as much as what the EU would need to reach. Plus, we're talking about a law that would -- a law -- not an aspirational goal, but a law -- that would take this year by year to an 83 percent reduction against 2005 by 2050, which translates into 80 percent against 1990, just for the record.

So I have said this repeatedly, we have absolutely -- we are in a strong position, and in a position which we regard as quite comparable to where the Europeans are, and I think that they are obsessively focused, frankly, on a 1990 baseline, which advantages them and disadvantages us. But if you look at what the President can do, given where he came in and what we're planning to do in our policies, we are quite comparable.

Q Just going back to the legislation issue for a moment, some environmentalists, as well as some diplomats, had hoped that the President would today set a firm deadline for when he expected to have legislation complete, or that he would at least lay out a strategy for how he plans to convince senators to pass this legislation. He did neither. He said something about engaging on the subject, and he moved on and talked a little about an economic slowdown. Why didn't you lay out that strategy or deadline that folks were interested in hearing?

MS. BROWNER: Well, the President, going back to his first address to Congress, asked for legislation. We have continued to work hard to get that legislation. I think we exceeded many expectations with the passage of the House bill. The Senate is hard at work. Jeff Bingaman has already passed out one component of a package. Senator Boxer, chair of the Environment and Public Works Committee, has indicated she will bring a draft out in the next I think maybe week to 10 days. So the Senate is doing the work they have to do.

Now, at the end of the day, Harry Reid does set the schedule for the Senate, and we have to be mindful of that. But he has given me, the President, all of us, every indication that this is very, very important to him. And I might note that yesterday, the Second Circuit handed down a decision in which they found -- it's a case they've had for two and a half years; they finally ruled that it is acceptable to use common law to sue a emitter of greenhouse gases for causing a nuisance. What this means is the courts are starting to take control of this issue. And if they were to follow this logic out, they would be setting standards.

Obviously, that's not something that anybody wants. We need a unified set of rules for the country. We need to give the businesses the kind of predictability and certainty so they can make the capital investments that are going to get us the kind of reductions we need. That is best done through legislation. I think whether it's the Supreme

Court case of several years ago, this more recent decision, everything is moving towards getting legislation done because it is the best way to do it.

Q There were reports that -- over the last week -- that the President might be willing to go to Copenhagen to fight for the Olympics if -- would the President be willing to go to Copenhagen to fight for a treaty? And is that something that would be helpful?

MR. FROMAN: I think it's probably premature to talk about the President's schedule for December. And a lot depends on what happens between now and then in the negotiations.

Q But is that something under consideration as a possibility?

MR. FROMAN: It's too early to really say.

Q Do any of you believe that the earnest statements made at the Climate Change Summit change today might be undermined, considering the carbon footprint of the summit, all of these motorcades, 20 and 30 cars long, and a city in gridlock, engines idling?

MR. FROMAN: I think the U.N. should make a pledge to electric vehicle motorcades within five years.
(Laughter.)

END 10:56 A.M. EDT

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US
Sent: Tue 9/22/2009 8:53:18 PM
Subject: Fw: President Obama Announces More Key Administration Posts

Chris Smith.

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 09/22/2009 04:52 PM -----

From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 09/22/2009 04:37 PM
Subject: President Obama Announces More Key Administration Posts

THE WHITE HOUSE
Office of the Press Secretary

FOR PLANNING PURPOSES ONLY
September 22, 2009

President Obama Announces More Key Administration Posts

WASHINGTON – Today, President Barack Obama announced his intent to nominate the following individuals to key administration posts:

Elaine Schuster, Representative of the United States of America to the Sixty-fourth Session of the General Assembly of the United Nations

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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US
Sent: Tue 9/22/2009 9:16:02 PM
Subject: Re: President Obama Announces More Key Administration Posts

Deliberative

Sent from my Blackberry Wireless Device

----- Original Message -----

From: Richard Windsor
Sent: 09/22/2009 05:09 PM EDT
To: "Arvin Ganesan" <ganesan.arvin@epa.gov>
Subject: Fw: President Obama Announces More Key Administration Posts

----- Original Message -----

From: Allyn Brooks-LaSure
Sent: 09/22/2009 04:53 PM EDT
To: Richard Windsor
Subject: Fw: President Obama Announces More Key Administration Posts
Chris Smith.

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 09/22/2009 04:52 PM -----

From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 09/22/2009 04:37 PM
Subject: President Obama Announces More Key Administration Posts

THE WHITE HOUSE
Office of the Press Secretary

FOR PLANNING PURPOSES ONLY
September 22, 2009

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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US
Sent: Tue 9/22/2009 9:36:54 PM
Subject: Re: President Obama Announces More Key Administration Posts

I don't think so.

ARVIN R. GANESAN
Deputy Associate Administrator
Congressional Affairs
Office of the Administrator
United States Environmental Protection Agency
Ganesan.Arvin@epa.gov
(p) 202.564.5200
(f) 202.501.1519

From: Richard Windsor/DC/USEPA/US
To: Arvin Ganesan/DC/USEPA/US@EPA
Date: 09/22/2009 05:32 PM
Subject: Re: President Obama Announces More Key Administration Posts

Its not PERMANENT is it?

----- Original Message -----

From: Arvin Ganesan
Sent: 09/22/2009 05:16 PM EDT
To: Richard Windsor
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Deliberative

Sent from my Blackberry Wireless Device

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Chris Smith.

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U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 09/22/2009 04:52 PM -----

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To: Allyn Brooks-LaSure/DC/USEPA/US@EPA

Date: 09/22/2009 04:37 PM

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FOR PLANNING PURPOSES ONLY

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Islam A. Siddiqui, Nominee for Chief Agricultural Negotiator, Office of the U.S. Trade Representative

Islam A. Siddiqui is currently Vice President for Science and Regulatory Affairs at CropLife America, where he is responsible for regulatory and international trade issues related to crop protection chemicals. Previously, Dr. Siddiqui also served as CropLife America's Vice President for agricultural biotechnology and trade. From 1997 to 2001, Dr. Siddiqui served in various capacities in the Clinton Administration at U.S. Department of Agriculture as Under Secretary for Marketing and Regulatory Programs, Senior Trade Advisor to Secretary Dan Glickman and Deputy Under Secretary for Marketing and Regulatory Programs. As a result, he worked closely with the USTR and represented USDA in bilateral, regional and multi-lateral agricultural trade negotiations. Since 2004, Dr. Siddiqui has also served on the U.S. Department of Commerce's Industry Trade Advisory Committee on Chemicals, Pharmaceuticals, and Health/Science Products & Services, which advises the U.S. Secretary of Commerce and USTR on international trade issues related to these sectors. Between 2001 and 2003, Dr. Siddiqui was appointed as Senior Associate at the Center for Strategic and International Studies (CSIS), where he focused on agricultural biotechnology and food security issues. Before joining USDA, Dr. Siddiqui spent 28 years with the California Department of Food and Agriculture. He received a B.S. degree in plant protection from Uttar Pradesh Agricultural University in Pantnagar, India, as well as M.S. and Ph.D. degrees in plant pathology, both from the University of Illinois at Champaign-Urbana.

Alan D. Bersin, Nominee for Commissioner, U.S. Customs and Border Protection, Department of Homeland Security

Alan Bersin was appointed by Homeland Security Secretary Napolitano in April, 2009 as Assistant Secretary for International Affairs and Special Representative for Border Affairs in the Department of Homeland Security (DHS). In that capacity, he serves as the Secretary's lead representative on Border Affairs and Mexico, for developing DHS strategy regarding security, immigration, narcotics, and trade matters affecting Mexico and for coordinating the Secretary's security initiatives on the nation's borders. Prior to his current service, Bersin served as Chairman of the San Diego County Regional Airport Authority. Previously, Mr. Bersin served as California's Secretary of Education between July 2005 and December 2006 in the Administration of Governor Arnold Schwarzenegger. Between 1998 and 2005, he served as Superintendent of Public Education in San Diego and from 2000 to 2003 served as a member and then Chairman of the California Commission on Teacher Credentialing. Prior to becoming the leader of the nation's eighth largest urban school district, he was appointed by President Bill Clinton as the United States Attorney for the Southern District of California and confirmed in that capacity by the U.S. Senate. Mr. Bersin served as U.S. Attorney for nearly five years and as the Attorney General's Southwest Border Representative responsible for coordinating federal law enforcement on the border from South Texas to Southern California. Mr. Bersin previously was a senior partner in the Los Angeles law firm of Munger, Tolles & Olson. Mr. Bersin received his A.B. in Government from Harvard University (magna cum laude) and attended Balliol College at Oxford University as a Rhodes Scholar. In 1974, he received his J.D. degree from the Yale Law School.

###

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: "Michelle DePass" [depass.michelle@epa.gov]; Robert Goulding" [goulding.robert@epa.gov]; Gina (Sheila) McCarthy" [mccarthy.gina@epa.gov]; David McIntosh" [mcintosh.david@epa.gov]
From: CN=Katharine Gage/OU=DC/O=USEPA/C=US
Sent: Tue 9/22/2009 10:10:10 PM
Subject: Re: Mtg with Todd Stern, Jonathan Pershing to discuss GHG regulatory strategy

Stern's office can't do before Thursday and we are waiting for them to get back to us to confirm a time. I am hoping to confirm a time for Thursday first thing tomorrow.

Thank you,

From: Richard Windsor/DC/USEPA/US
To: "Katharine Gage" <Gage.Katharine@epamail.epa.gov>
Cc: "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>, "Michelle DePass" <depass.michelle@epa.gov>, "David McIntosh" <mcintosh.david@epa.gov>, "Robert Goulding" <goulding.robert@epa.gov>
Date: 09/22/2009 03:15 PM
Subject: Mtg with Todd Stern, Jonathan Pershing to discuss GHG regulatory strategy

Need the above ASAP. Tx.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Gina
McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=David
McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=Gina
McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=David
McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=David
McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=David
McIntosh/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Aaron Dickerson/OU=DC/O=USEPA/C=US@EPA;CN=Robert
Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert
Goulding/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Tue 9/22/2009 10:15:01 PM
Subject: Fw: Talking Points: President Obama Addresses UN Climate Change Summit

FYi

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 09/22/2009 06:14 PM -----

From: "Milakofsky, Benjamin E." [Personal Privacy]
To: "Lu, Christopher P." [Personal Privacy], "Smith, Elizabeth S." [Personal Privacy], "Kimball, Astri B." [Personal Privacy], "Hurlbut, Brandon K." [Personal Privacy], "French, Michael J." [Personal Privacy], "Milakofsky, Benjamin E." [Personal Privacy], "Taylor, Adam R." [Personal Privacy]
Date: 09/22/2009 02:15 PM
Subject: Talking Points: President Obama Addresses UN Climate Change Summit

Dear Chiefs of Staff:

Please see the below talking points on climate change.

--Cabinet Affairs

Talking Points: President Obama Addresses UN Climate Change Summit

- Today, President Obama addressed the UN Climate Change Summit, where he called on leaders from around the world to come together in pursuing policies that allow economies to grow without endangering our planet.
- No nation – regardless of size or wealth – can escape the impact of climate change. Threats like rising sea levels, more powerful storms and floods, and more frequent droughts know no borders.
- The time we have to reverse this tide is running out. But we can reverse it.
- For too long, mankind has been slow to respond to or even recognize the magnitude of the climate threat. That includes the United States.
- But this is a new day and the United States has done more to promote clean energy and reduce carbon pollution in the last eight months than at any other time in our history – from making the largest-

ever investment in renewable energy to investing billions to cut energy waste and proposing for the first time in history new national standard aimed at both increasing fuel economy and reducing greenhouse gas pollution for all new cars and trucks.

- Most importantly, the House of Representatives passed an energy and climate bill in June that would finally make clean energy the profitable kind of energy for American businesses and dramatically reduce greenhouse gas emissions. And the administration looks forward to engaging with the Senate as they craft legislation.

- Still, despite bold actions and shared determination from many of the nations at the summit, much work remains to be done. The world's nations must work together to grow our economies without endangering our planet.

- Both developed nations that have caused much of the damage to our climate over the last century and developing nations that will produce nearly all the growth in carbon emissions in the decades ahead must do their parts.

- We must also energize our efforts to put other developing nations – especially the poorest and most vulnerable – on a path to sustainable growth.

- o That is why we have a responsibility to provide the financial and technical assistance needed to help these nations adapt to the impacts of climate change and pursue low-carbon development.

- o By developing and disseminating clean technology and sharing our know-how, we can help developing nations leap-frog dirty energy technologies and reduce dangerous emissions.

To: "Windsor, Richard" [Windsor.richard@epa.gov]; Perciasepe, Bob" [Perciasepe.Bob@epamail.epa.gov]; Fulton, Scott" [fulton.scott@epa.gov]; Thompson, Diane" [thompson.diane@epa.gov]; Oster, Seth" [oster.seth@epa.gov]; N=Michelle DePass/OU=DC/O=USEPA/C=US@EPA;"Heinzerling, Lisa" [Heinzerling.Lisa@epamail.epa.gov]; Heinzerling, Lisa" [Heinzerling.Lisa@epamail.epa.gov]; McIntosh, David" [mcintosh.david@epa.gov]; N=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA[]
Cc: "Oster, Seth" [oster.seth@epa.gov]
From: CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US
Sent: Tue 9/22/2009 10:51:31 PM
Subject: Fw: REMARKS BY THE PRESIDENT AT THE CLINTON GLOBAL INITIATIVE

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: Personal Privacy

From: "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]
Sent: 09/22/2009 06:44 PM AST
To: Allyn Brooks-LaSure
Subject: REMARKS BY THE PRESIDENT AT THE CLINTON GLOBAL INITIATIVE

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release September 22, 2009

REMARKS BY THE PRESIDENT

AT THE CLINTON GLOBAL INITIATIVE

Sheraton Hotel

New York, New York

5:15 P.M. EDT

THE PRESIDENT: Please, please, have a seat. Thank you. Thank you so much. Good evening. And thank you, President Clinton, for the extraordinary brief introduction which (laughter) -- during the U.N. General Assembly week does not happen that often. (Laughter.)

I want to acknowledge Bob Harrison and the outstanding work that he's doing as CEO of CGI -- (applause) -- as well as Ed Hughes, the deputy director of CGI, for their excellent work.

Some of you are aware that last week President Clinton and I were here in New York together, we were having lunch in a small Italian restaurant. And we talked about the economy, we talked about health care, we talked about pressing global challenges. And then he said to me, "Would you pass the Parmesan?" (Laughter.) And then he said to me, "Would you speak to our annual meeting?"

Now, I think everyone knows what it's like when Bill Clinton asks you to make a commitment. (Laughter.) He looks you in the eye; he feels your pain. (Laughter.) He makes you feel like you're the only person in the room. What could I say? I was vulnerable just as all of you have been vulnerable to his charms. (Applause.)

So I am happy to be here and honored by the invitation. And I've always appreciated President Clinton's valuable advice and the ideas he's offered my administration. I do understand that the President has been having trouble getting a hold of my Secretary of State lately. (Laughter.) But I hope he doesn't mind, because Hillary Clinton is doing an outstanding job for this nation and we are so proud of her. (Applause.)

I also want to just very briefly take this opportunity to thank President Clinton for his service. In his eight years in office, he helped swing open the doors of opportunity and prosperity to millions of Americans. And as the first U.S. President to face the full force of globalization, he worked to share that prosperity with people around the world -- from promoting trade to expanding education to forging a historic global compact on debt relief.

After a lifetime of service, he would have been forgiven had he settled for a life of quiet, a life of ease, a life of improved golf scores -- my understanding is they have not improved that much since he was in office. (Laughter.) But he chose a different path. He asked, "What can I do to keep making a difference?"

And what an extraordinary difference he, working with all of you, have made. For the victims of disaster, from the Asian tsunami to Hurricane Katrina, he's made a difference. For those in need, from parents and children battling HIV/AIDS to your efforts today on behalf of the people of Haiti, he's made a difference. It's no exaggeration:

Around the world, Bill Clinton has helped to improve -- and save -- the lives of millions. That is no exaggeration. (Applause.)

And this week, even as we gather at the United Nations to discuss what governments can do to confront the challenges of our time, even as we've -- we're joined tonight by so many extraordinary leaders, Presidents and Prime Ministers -- this Global Initiative reminds us of what we can each do as individuals: that you don't have to hold a public office to be a public servant. That's the beauty of service -- anybody can do it. And everyone should try.

To all the CGI members here tonight, I want you to know how grateful I am for your efforts -- and I know that those efforts require greater commitment at such difficult economic times. Indeed, your work -- and the spirit of service behind it -- is deeply personal to me. I've seen it. I've been shaped by it my entire life.

I first saw it in my mother -- she was an anthropologist who dedicated her life to understanding and improving the lives of the rural poor, from Indonesia to Pakistan. Whether working with USAID or the Asian Development Bank, the Ford Foundation, Bank Rakyat in Jakarta or Women's World Banking here in New York, she championed the cause of women's welfare and helped pioneer the micro loans that have helped lift millions from poverty.

My mother understood that whether you live in the foothills of Java or the skyscrapers of Manhattan, we all share common principles: justice and progress, tolerance and the dignity of all human beings. And we all share common aspirations, for ourselves and our children: to get an education, to work with dignity, and to live in peace and security.

That's where I first saw that spirit. That's who planted it in me. And I saw this spirit again when I moved to Chicago, working as a community organizer on some of the poorest streets in some of the poorest neighborhoods in the United States; in neighborhoods devastated by steel plant closings, I worked with local churches to help people in need. And change didn't come easy, but with a lot of time and effort, it did come -- block by block, neighborhood by neighborhood.

That's when I learned that real progress does not just come from the top down, not just from government, it comes from the bottom up -- from people. (Applause.) If you want to bring about change in the world, you can't just be an advocate of somebody else doing it. You can't just preach lofty goals and wait for somebody else act. You have to step up. You have to serve.

I've seen this spirit of service in my wife Michelle -- one of the millions of people whose lives has been touched by AmeriCorps, created by President Clinton. She left her job at a law firm to be the founding director of an AmeriCorps program in Chicago that trains young people for careers in public service. I've seen the transformation that occurs -- in their lives, in hers -- when people are empowered to live their dreams.

And that's the spirit that's represented here tonight -- in the difference that CGI members have made around the world. The greenhouse gases you've cut. The entrepreneurs you've empowered with micro loans. All the people, many of them children, you've helped to lead healthier, more productive lives -- more than 200 million in more than 150 countries.

That's the meaning of service. That's the difference we can make -- when we remember our common humanity, or when we embrace our common responsibilities, when we recognize our common destiny.

Your ability to serve people in the disconnected corners of the world reminds us of another truth. We stand at a transformational moment in world history when our interconnected world presents us at once with great promise, but also with great peril.

The very technologies that empower us to create and build also empower those who would destroy and disrupt -- the extremists in the mountains of Afghanistan and Pakistan who fuel attacks from New York to London to Bali, from Mombasa to Madrid to Mumbai.

Reckless speculation in any financial sector of the world, or someone's failure to pay a mortgage in Florida, can contribute to a global recession that undermines all of us. Poverty in Somalia, the poppy fields of Afghanistan, the northbound flow of drugs from Colombia and the southbound flow of American guns and cash into Mexico -- all this fuels violence that endangers each and every one of us. A flu that starts in one country can become a pandemic that sickens millions.

Carbon emissions from cars in Boston and factories in Beijing are melting the ice caps and imperiling the planet. And by the way, we're joined here by the leader who made that particular truth impossible to ignore -- former Vice President Al Gore, and we owe a great debt of thanks to him. (Applause.)

These are the threats of the 21st century. These are the challenges we face. And just as no nation can wall itself off from the world, no one nation -- no matter how large, no matter how powerful -- can meet these challenges alone. Nor can governments alone. Today's threats demand new partnerships across sectors and across societies -- creative collaborations to achieve what no one can accomplish alone.

In short, we need a new spirit of global partnership. And that is exactly the spirit that guides this organization; I hope that it is the spirit that guides my administration.

Here at home, we've summoned the American people to a new era of service: launching a historic expansion of

community service; more than tripling the size of AmeriCorps; creating a new model -- an innovation fund to bring together nonprofits, foundations, the private sector and government to find the community solutions that work, to fund them and then replicate them across America.

Around the world, even as we pursue a new era of engagement with other nations, we're embracing a broader engagement -- new partnerships between societies and citizens, community organizations, business, faith-based groups.

That's why we've been speaking directly to people around the world, including our friends across the Muslim world with whom we've launched a new beginnings based on mutual interests and mutual respect. It's why you've seen Secretary Clinton in so many countries -- at town halls, on local television programs, reaching out to citizens and civil society -- that's why she's created a new initiative to promote global partnerships between business, nonprofits and faith groups to promote development.

In fact, this spirit of partnership is a defining feature of our foreign policy.

Because government and the military can work to disrupt, dismantle and defeat terrorist networks. But while the violent extremists only destroy, we have to make it clear the kind of future we want to build. That's why we're investing in people's education, and health and welfare -- as we are doing in Afghanistan and Pakistan. And we need to build new partnerships across regions and religions -- and that requires religious leaders, and NGOs, citizens to help build the good governance, and transparent institutions and basic services upon which true security depends.

We're making historic investments in clean energy and working toward deep cuts in emissions. But we still need business to unleash new innovations and nonprofits to keep up the pressure to end the threat of climate change.

We're making substantial increases in foreign assistance. But we still need civil society to help host nations deliver aid without corruption. Because foreign assistance is not an end in itself. The purpose of aid must be to create the conditions where it is no longer needed -- where we help build the capacity for transformational change in a society.

We're pursuing a comprehensive global health strategy -- building on successes in the fight against HIV/AIDS and working to end deaths from malaria and TB and to end polio. But these efforts will only be sustained if we improve the capacity of public health systems to deliver care, especially for mothers and children.

We're making major new investments in food security. But this can't simply be hand-outs of American food. We need to share new methods and technologies so that countries and communities can become more self-sufficient.

In short, we're renewing development as a key element of American foreign policy -- not by lecturing and imposing our ideas, but by listening and working together; by seeking more exchanges between students and experts; new collaborations among scientists to promote technological development; partnerships between businesses, entrepreneurs to advance prosperity and opportunity for people everywhere.

That's how we'll confront the challenges of our time. This is how we will seize the promise of this moment in history. Standing together. Working together. And building together.

It's the spirit I've seen in my travels around the world -- in elected leaders and entrepreneurs, the heroic civil society groups, in the students from Ankara to Cairo, from South Bend to Strasbourg -- the optimism and the faith and the confidence that we each can make a difference.

And that's the spirit that I see here tonight. The spirit that says we can rise above the barriers that too often divide us -- country and culture, color and creed, race and religion and region. That we can come together. And that we can leave this world even better, even more hopeful than we found it.

So to all of you, thank you for your vision, for your engagement, for your stick-to-it-ness. As hard as it may be to sustain during these difficult times, your commitments have never been more needed, they have never been more inspired. And I am grateful to President Clinton for having the vision and leadership to help catalyze this extraordinary collection of individuals and the commitments you make that are making such a difference all around the world.

Thank you very much, everybody. (Applause.)

END

5:45 P.M. EDT

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Lisa
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Scott
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth
Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Gina
McCarthy/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Scott
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth
Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin
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McCarthy/OU=DC/O=USEPA/C=US@EPA[]; N=Scott
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth
Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-
LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Gina
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LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Arvin
Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Gina
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McCarthy/OU=DC/O=USEPA/C=US@EPA[]; N=Gina
McCarthy/OU=DC/O=USEPA/C=US@EPA[]
From: CN=David McIntosh/OU=DC/O=USEPA/C=US
Sent: Wed 9/23/2009 1:10:10 AM
Subject: update on Murkowski amendment

Majority Leader Reid did file for cloture on the bill this evening. So the deadline for filing amendments will be 1:00 tomorrow. Murkowski has not yet filed her amendment. Her staff seems now to know that their amendment has some very serious side-effects.

Deliberative

Deliberative

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=David McIntosh/OU=DC/O=USEPA/C=US
Sent: Wed 9/23/2009 1:29:14 AM
Subject: Re: update on Murkowski amendment

Thanks. Fingers crossed.

----- Original Message -----

From: Richard Windsor
Sent: 09/22/2009 09:26 PM EDT
To: David McIntosh
Cc: Diane Thompson; Lisa Heinzerling; Scott Fulton; Seth Oster; Allyn Brooks-LaSure; Arvin Ganesan; Gina McCarthy
Subject: Re: update on Murkowski amendment
K. Tx. Congrats on your leg/communications strategy so far. Getting out in front of Senator Murkowski on the unintended side effects was a smart move.

----- Original Message -----

From: David McIntosh
Sent: 09/22/2009 09:10 PM EDT
To: Richard Windsor
Cc: Diane Thompson; Lisa Heinzerling; Scott Fulton; Seth Oster; Allyn Brooks-LaSure; Arvin Ganesan; Gina McCarthy
Subject: update on Murkowski amendment
Majority Leader Reid did file for cloture on the bill this evening. So the deadline for filing amendments will be 1:00 tomorrow. Murkowski has not yet filed her amendment. Her staff seems now to know that their amendment has some very serious side-effects.

Deliberative

Deliberative

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Wed 9/23/2009 4:06:13 PM
Subject: Fw: OPEI BUDGET FOR FY10

I assume this will come racing back to you, so wanted you to have a heads-up. Also found out that Lisa H went to OCFO and told them to add 5 FTE's to OPEI for the FY 11 budget submission, which they did. Not sure yet how I would suggest dealing with that--need to get a little more clarity on what happened.
DT

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999
----- Forwarded by Diane Thompson/DC/USEPA/US on 09/23/2009 12:01 PM -----

From: Diane Thompson/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Date: 09/23/2009 12:01 PM
Subject: Re: BUDGET FOR FY10

Lisa,
I have asked Stephanie to get a meeting on our schedules to review staffing. I need to see where you are with planning for the reductions that we anticipate are coming in FY10. My understanding from the Adm is that whatever staffing commitments she makes are always "need" based, so I think we will need to look at these additional folks would do. We also need to look at the Agency's needs related to the one available SL position you are asking to use for the person in ORD you want to have work on adaptation. I will get with Craig, but as I understand it on top of the SL priority issue you would need to propose to create the SL position in OPEI, have it approved by OPM and then compete it.

Because the Adm office is so small we are always subject to a high degree of scrutiny and need to be sensitive to manage FTE's as effectively as possible (which we want to do regardless of the scrutiny issue. Moreover, we are filling gaps to address the Adm's priorities on Children's Health and Public outreach and potentially IRIS. Just thought that background might be helpful. We can discuss more when we meet.
Thanks,
Diane

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: Lisa Heinzerling/DC/USEPA/US
To: Diane Thompson/DC/USEPA/US@EPA
Date: 09/22/2009 02:10 PM
Subject: Re: BUDGET FOR FY10

No, I simply asked that I be allowed to bring in 5-10 new employees to bring fresh blood into the office, and the Administrator said yes. (I realize the number for now, during the budget process, has become 5 (not 5-10).)

----- Original Message -----

From: Diane Thompson

Sent: 09/22/2009 02:04 PM EDT

To: Lisa Heinzerling

Subject: Re: BUDGET FOR FY10

did you discuss what these FTE would be used for?

Diane E. Thompson

Chief of Staff

U. S. Environmental Protection Agency

202-564-6999

From: Lisa Heinzerling/DC/USEPA/US

To: Diane Thompson/DC/USEPA/US@EPA

Date: 09/22/2009 01:26 PM

Subject: Re: BUDGET FOR FY10

Hi Diane -- Let me know if you need anything else on this, besides my quick earlier email to you. Thanks -- Best, Lisa

From: Diane Thompson/DC/USEPA/US

To: Lisa Heinzerling/DC/USEPA/US@EPA

Date: 09/22/2009 09:22 AM

Subject: BUDGET FOR FY10

Lisa,

We are trying to figure out a baseline for FY 10 budgeting, so I am looking at FTE levels/needs going forward. Ray mentioned something about OPEI wanting 5 additional FTE's. I think we thought the total number of FTE's was going. Can we discuss this morning? Can I get a few minutes at 10:45? DT

Diane E. Thompson

Chief of Staff

U. S. Environmental Protection Agency

202-564-6999

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]; N=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA[]

Cc: []

From: CN=David McIntosh/OU=DC/O=USEPA/C=US

Sent: Wed 9/23/2009 5:03:49 PM

Subject: Fw: the filed Murkowski amendment

ATTOWOTE

FYI

----- Forwarded by David McIntosh/DC/USEPA/US on 09/23/2009 01:01 PM -----

From: David McIntosh/DC/USEPA/US

To: "Yates, Alice (Levin)" <Alice_Yates@levin.senate.gov>, catharine_ransom@baucus.senate.gov, "Adamo, Chris (Stabenow)" <Chris_Adamo@stabenow.senate.gov>, chris_murray@bayh.senate.gov, "Black, Jonathan (Energy)" <Jonathan_Black@energy.senate.gov>, "Shultz, Joseph (Brown)" <Joseph_Shultz@brown.senate.gov>, "Haynes, Laura (Carper)" <Laura_Haynes@carper.senate.gov>, "Distefano, Nichole (McCaskill)" <Nichole_Distefano@mccaskill.senate.gov>, tom_dower@commerce.senate.gov

Date: 09/23/2009 12:55 PM

Subject: the filed Murkowski amendment

EPA's lawyers and program-staff experts are still examining its implications, but here is what they have identified thus far.

The first paragraph of the filed Murkowski amendment would actually have the impact of prohibiting EPA from promulgating the vehicle GHG rules next March. Because the only way EPA can prevent that final rule from having the impact of making CO2 a pollutant regulated under the Clean Air Act is by not promulgating the vehicle GHG rule at all.

The last paragraph of the amendment would actually have the impact of prohibiting EPA from finalizing the endangerment finding, because not finalizing the endangerment finding would be the only way that EPA could ensure that the "consequences" of that finding would not go beyond section 202(a) of the Clean Air Act.

The amendment would have the impact of throwing stationary-source permitting in the following states into complete chaos: Illinois, Minnesota, Washington, Nevada, Arizona, California, Michigan, Pennsylvania, New York, Massachusetts, New Jersey, Hawaii, and Puerto Rico. The reason is that those states would be moving forward to process permits, but appeals of permits made by those states go to EPA's Environmental Appeals Board. Under the amendment, EPA would be prohibited from considering the issue of CO₂, which will be an issue in every one of those appeals. So the permitting controversies would never get resolved.

The amendment would not prevent each of the states from going forward to deal with CO₂ in their permitting of large industrial facilities across the country. But the amendment would prevent EPA from doing any work to promote uniformity and rationality in those many different state proceedings. The result would be more of an uncertain patchwork for industry.

The amendment would have the impact of throwing stationary-source permitting in the following states into complete chaos: Illinois, Minnesota, Washington, Nevada, Arizona, California, Michigan, Pennsylvania, New York, Massachusetts, New Jersey, Hawaii, and Puerto Rico. The reason is that those states would be moving forward to process permits, but appeals of permits made by those states go to EPA's Environmental Appeals Board. Under the amendment, EPA would be prohibited from considering the issue of CO₂, which will be an issue in every one of those appeals. So the permitting controversies would never get resolved.

Lea Murkowski
S.L.C.

12:04 pm
RD
9-23-9
BW

AMENDMENT NO. _____ Calendar No. _____

Purpose: To prohibit the use of funds that has the effect of making carbon dioxide a pollutant subject to regulation under the Clean Air Act for any source other than a mobile source.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

H. R. 2996

AMENDMENT Nº 2530

Mak

By Murkowski _____ erior,
To: H.R. 2996 _____ year
_____ doses.

Rei

3 _____ and
Page(s)

GPO: 2008 45-603 (mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. MURKOWSKI
(for herself and Mr. THUNE)

Viz:

- 1 On page 192, between lines 6 and 7, insert the fol-
- 2 lowing:
- 3 GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION
- 4 AGENCY
- 5 CARBON DIOXIDE
- 6 SEC. 201. (a) No action taken by the Environmental
- 7 Protection Agency using funds made available under this
- 8 Act shall have the effect of making carbon dioxide a pollut-

1 ant subject to regulation under the Clean Air Act (42
2 U.S.C. 7401 et seq.) for any source other than a mobile
3 source as described in section 202(a) of that Act (42
4 U.S.C. 7521(a)).

5 (b) Nothing in this section prohibits the expenditure
6 of funds by the Environmental Protection Agency—

7 (1) to undertake studies or conduct reasonable
8 information-gathering that is preparatory to the reg-
9 ulation of carbon dioxide under the Clean Air Act
10 (42 U.S.C. 7401 et seq.);

11 (2) to implement the renewable fuels standard
12 requirements of section 211(o) of that Act (42
13 U.S.C. 7545(o));

14 (3) to continue to issue permits for the con-
15 struction or modification of any sources other than
16 a mobile source (as described in section 202(a) of
17 that Act (42 U.S.C. 7521(a))) in areas for which the
18 Administrator of the Environmental Protection
19 Agency has jurisdiction, including certain portions of
20 the outer Continental Shelf;

21 (4) to issue regulations governing the injection
22 of carbon dioxide underground to enable the develop-
23 ment of clean coal power generation facilities, in-
24 cluding facilities eligible for funding under the Clean
25 Coal Power Initiative of the Department of Energy

1 and the American Recovery and Reinvestment Act of
2 2009 (Public Law 111-5);

3 (5) to issue and enforce regulations relating to
4 the reporting of greenhouse gas emissions;

5 (6) to develop, or collaborate with other agen-
6 cies on the development of, an innovative, voluntary
7 carbon offset program or other approaches (includ-
8 ing assistance measures to energy and trade inten-
9 sive manufacturers) designed to lower the costs that
10 may be associated with any global climate change
11 mitigation measures established or approved by Con-
12 gress;

13 (7) to permit energy infrastructure construction
14 on or near Federal land; or

15 (8) to finalize and apply the proposed rule enti-
16 tled "Proposed Endangerment and Cause or Con-
17 tribute Findings for Greenhouse Gases Under Sec-
18 tion 202(a) of the Clean Air Act" (74 Fed. Reg.
19 18886 (April 24, 2009)), if the rule and the con-
20 sequences of the rule are limited solely to section
21 202(a) of that Act (42 U.S.C. 7521(a)).

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=David McIntosh/OU=DC/O=USEPA/C=US
Sent: Wed 9/23/2009 5:16:26 PM
Subject: Re: the filed Murkowski amendment

No, she introduced without any cosponsors.

From: Richard Windsor/DC/USEPA/US
To: David McIntosh/DC/USEPA/US@EPA
Date: 09/23/2009 01:15 PM
Subject: Re: the filed Murkowski amendment

Wow. It seemed to get worse with all her helpful friends. Anyone intro with her?

----- Original Message -----

From: David McIntosh
Sent: 09/23/2009 01:03 PM EDT
To: Richard Windsor; Diane Thompson; Gina McCarthy; Lisa Heinzerling; Scott Fulton; Seth Oster; Allyn Brooks-LaSure
Subject: Fw: the filed Murkowski amendment
FYI

----- Forwarded by David McIntosh/DC/USEPA/US on 09/23/2009 01:01 PM -----

From: David McIntosh/DC/USEPA/US
To: "Yates, Alice (Levin)" <Alice_Yates@levin.senate.gov>, catharine_ransom@baucus.senate.gov, "Adamo, Chris (Stabenow)" <Chris_Adamo@stabenow.senate.gov>, chris_murray@bayh.senate.gov, "Black, Jonathan (Energy)" <Jonathan_Black@energy.senate.gov>, "Shultz, Joseph (Brown)" <Joseph_Shultz@brown.senate.gov>, "Haynes, Laura (Carper)" <Laura_Haynes@carper.senate.gov>, "Distefano, Nichole (McCaskill)" <Nichole_Distefano@mccaskill.senate.gov>, tom_dower@commerce.senate.gov
Date: 09/23/2009 12:55 PM
Subject: the filed Murkowski amendment

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[attachment "20090923120813747.pdf" deleted by Richard Windsor/DC/USEPA/US]

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Aaron Dickerson/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Wed 9/23/2009 6:04:44 PM
Subject: Fw: Talking Points: Republicans' Disingenuous Scare Tactics on Medicare // Medicare Advantage

FYI

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 09/23/2009 02:04 PM -----

From: "Milakofsky, Benjamin E." [Personal Privacy]
To: "Lu, Christopher P." [Personal Privacy]; "Smith, Elizabeth S." [Personal Privacy]; "Kimball, Astri B." [Personal Privacy]; "Hurlbut, Brandon K." [Personal Privacy]; "French, Michael J." [Personal Privacy]; "Taylor, Adam R." [Personal Privacy]; "Milakofsky, Benjamin E." [Personal Privacy]
Date: 09/23/2009 01:27 PM
Subject: Talking Points: Republicans' Disingenuous Scare Tactics on Medicare // Medicare Advantage

Dear Chiefs of Staff:

Please see the below talking points on Medicare.

--Cabinet Affairs

Talking Points: Republicans' Disingenuous Scare Tactics on Medicare

- Recently, as part of an ongoing effort to revive their political fortunes by killing health insurance reform, many Republicans have been attempting to scare America's seniors with false myths about what reform would mean for Medicare.
 - o For proof of just how politically motivated these attacks on the President's proposal to eliminate waste in Medicare Advantage are, look no further than the fact that a group of Republican Senators actually introduced a similar proposal as recently as this past May.
- These distortions and outright falsehoods would be offensive under any circumstances, but they're especially disingenuous coming from a group who has a long history of opposing Medicare and who very recently tried to kill the program as we know it.
- Just this past April, nearly four-fifths of Republican House members voted to end Medicare as we know it by turning it into a voucher program that provides a fixed sum of money to buy private insurance.
 - o A top AARP policy official called this scheme "a very dangerous idea," saying it would raise costs for all beneficiaries and lower the quality of care for less-affluent seniors.

- And this most recent assault on Medicare is just the latest in a war Republicans have been waging on the program for decades.
- o Last time we had a Democratic President, leading Republicans around the country launched a vicious attack on Medicare.
- § They bragged about opposing the creation of the program in the first place.
- § They called for draconian cuts to Medicare and even the “elimination” of entitlement programs like Medicare as we know them.
- § One even blamed seniors’ “greed” for Medicare’s budget problems.
- President Obama is committed to protecting and strengthening Medicare for America’s seniors. Medicare is a sacred trust with America’s seniors and the President’s health insurance reform plan will ensure that trust is never broken.
- o It doesn’t use a dime of the Medicare trust fund to pay for reform. Instead it eliminates waste to strengthen the financial health of the program.

Talking Points: Medicare Advantage

- First, let’s put this in context:
- Medicare Advantage is the part of the Medicare program that allows beneficiaries to receive services via private insurance plans. Private plans that participate in Medicare Advantage receive significant taxpayer subsidies from the federal government.
- Right now, Medicare pays those plans on average 14% more than they pay traditional Medicare. All Medicare recipients are subsidizing these private insurance plans, even though only a quarter of seniors are enrolled in them.
- Reducing these Medicare overpayments will affirm President Obama’s promise to strengthen the Medicare program, extend its solvency and reduce premiums for all beneficiaries.
- In terms of what the CBO was talking about yesterday, let’s be clear: He was not talking about cutting the basic benefits that all Medicare recipients receive. No one is suggesting that. The Medicare benefits to which all seniors are entitled will be protected in the President’s plan and all of the plans going through Congress. .
- What CBO was talking about was the possibility that in the future, the EXTRA benefits that beneficiaries receive when they are in private Medicare Advantage plans might be reduced for people who enroll in those plans in the future. Extra benefits are such things as vision care and longer hospital stays and are not part of the regular Medicare benefits to which all beneficiaries are entitled. CBO said most beneficiaries currently enrolled in Medicare Advantage plans would not be affected.
- By the way, ALL Medicare beneficiaries subsidize those extra benefits in Medicare Advantage plans, even though only the people enrolled in those plans receive them.
- The Finance Committee has included specific protections for the existing benefits that people currently enrolled in Medicare Advantage in some parts of the country currently have today.
- Even under the competitive bidding proposed by the legislation, Medicare Advantage plans will still be paid more than traditional Medicare plans. Yes, they’ll need to compete, and they’ll need to be more efficient, but they’ll still have more money to work with than traditional Medicare. Introducing this competition is a good deal for seniors and a good deal for the taxpayer.
- Medicare Advantage subsidies will add \$3.60 per month to premiums for all Medicare beneficiaries in 2010.

This means that a typical older couple in traditional Medicare will pay almost \$90 next year on average to subsidize private insurance companies who are not providing their health benefits.

- President Obama is working to eliminate these subsidies to private plans, which could save the Federal government, taxpayers, and Medicare beneficiaries more than \$100 billion over the next 10 years.
- There is no evidence that this extra payment leads to better quality for Medicare beneficiaries.
- Insurers, not beneficiaries or the Medicare program, determine how these overpayments are used – and this includes marketing and other administrative costs. This means that seniors do not always get the full overpayments back in the form of extra benefits.
- Additionally, some plans offer lower cost-sharing for drugs and vision care but higher cost-sharing for services such as hospitalizations and home health services. As a result, seniors can end up spending more out of pocket under a Medicare Advantage plan, not less.
- One thing we cannot guarantee is that every private insurer that offers Medicare Advantage plans will continue to do so. Some pull out of the program because they don't think their profits are high enough. That happened just this year.

Medicare Advantage Overpayments Brings Medicare Closer to Bankruptcy

- The Commonwealth Fund found that Medicare must pay \$1,000 more per beneficiary in the Medicare Advantage program as opposed to Medicare.

These overpayments bring Medicare closer to bankruptcy. The Center for Medicare and Medicaid Services estimates that Medicare Advantage overpayments will reduce the period of time the Medicare Trust Fund is solvent by 17 months.

Medicare Advantage Plans Leave Seniors with Higher Bills

In testimony before the House Ways and Means Committee, President and CEO Grande Ronde Hospital in La Grande, Oregon provided the following real-life example of how Medicare Advantage plans can leave seniors with higher bills than traditional Medicare.

Mr. Johnson (not his real name) pays more out of pocket

Mr. Johnson signed up for the Advantra Freedom Medicare Advantage plan, believing he had purchased a Medicare supplement and that he still has traditional Medicare. On December 1st he was admitted to our hospital for 8 days and was discharged on December 9th. On December 15th Mr. Johnson was re-admitted to our hospital for 5 days and was discharged on December 20th.

Mr. Johnson's out of pocket expenses are analyzed below.

To: CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=David McIntosh/OU=DC/O=USEPA/C=US
Sent: Wed 9/23/2009 6:44:11 PM
Subject: Re: Pithy Quote on Murkowski

Deliberative

From: Seth Oster/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: David McIntosh/DC/USEPA/US@EPA
Date: 09/23/2009 02:42 PM
Subject: Pithy Quote on Murkowski

How about this?

New Version

Deliberative

or....

Old Version

Deliberative

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

To: CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Wed 9/23/2009 6:45:08 PM
Subject: Re: Pithy Quote on Murkowski

Ok.

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

From: David McIntosh/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA
Cc: Richard Windsor/DC/USEPA/US@EPA
Date: 09/23/2009 02:44 PM
Subject: Re: Pithy Quote on Murkowski

Deliberative

From: Seth Oster/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: David McIntosh/DC/USEPA/US@EPA
Date: 09/23/2009 02:42 PM
Subject: Pithy Quote on Murkowski

How about this?

New Version

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or....

Old Version

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Seth Oster
Associate Administrator
Office of Public Affairs
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oster.seth@epa.gov

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Diane
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Scott
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[];
N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Diane
Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Scott
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[];
N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Scott
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[];
N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth
Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]
From: CN=David McIntosh/OU=DC/O=USEPA/C=US
Sent: Wed 9/23/2009 8:50:18 PM
Subject: emergent/urgent issue

The Murkowski amendment could come to a vote late tonight, although it now is looking more likely that she will not offer her amendment until tomorrow. **Deliberative**

Deliberative

Deliberative

A few minutes ago, Senator

Feinstein sent you a letter whose text is pasted immediately below. I drafted a response from you, which is pasted at the bottom of this message. Gina and Lisa H have approved it. I recommend that you authorize me to put your signature on it (or to bring it by for you to sign). If you do authorize me to put your signature on it and send it, I will, however, do a final gut check with the team of people I've been working with in the White House and in the Senate, just to make sure that nothing has changed such to make this letter unnecessary or counterproductive.

Dear Administrator Jackson:

Senator Lisa Murkowski has filed Amendment Number 2530 to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act.

Her amendment would prohibit the Environmental Protection Agency from using any funds made available under the Act to take any action that would have the effect of making a carbon dioxide a pollutant subject to regulation under the Clean Air Act for any source other than a mobile source.

I am writing to ask you to tell me what the practical impact would be if Congress enacted that restriction.

Thank you in advance for your prompt response.

Sincerely,

Dianne Feinstein
U.S. Senator

Dear Senator Feinstein,

Thank you for your letter about Senator Lisa Murkowski's Amendment Number 2530 to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act. As you noted in your letter, Senator Murkowski's amendment would prohibit the Environmental Protection Agency from using any funds made available under the Act to take any action that would have the effect of making a carbon dioxide a pollutant subject to regulation under the Clean Air Act for any source other than a mobile source.

You asked me what the practical impact would be if Congress enacted Senator Murkowski's amendment. The most striking impact would be to make it impossible for the Environmental Protection Agency to promulgate the light-duty vehicle greenhouse-gas emissions standards that the agency proposed on September 15, 2009. Because of the way the Clean Air Act is written, promulgation of the proposed light-duty vehicle rule will automatically make carbon dioxide a pollutant subject to regulation under the Clean Air Act for stationary sources, as well as for light-duty vehicles. The only way that EPA could comply with the prohibition in Senator Murkowski's amendment would be to not promulgate the light-duty vehicle standards.

As you know, promulgating of EPA's light-duty vehicle greenhouse-gas emissions standards is an essential part of the historic agreement that President Obama announced earlier this year with the nation's auto-makers, the State of California, the Department of Transportation, and EPA. That agreement attracted broad, bi-partisan support. The joint DOT-EPA standards are projected to save 1.8 billion barrels of oil over the life of the program, which is twice the amount of oil (crude oil and products) imported in 2008 from the Persian Gulf countries, according to the Department of Energy's Energy Information Administration Office. Additionally, the standards are projected to help save consumers more than \$3,000 over the lifetime of a model year 2016 vehicle and reduce approximately 900 million metric tons of greenhouse gas emissions. Enactment of Senator Murkowski's amendment would pull the plug on those extraordinary accomplishments.

Sincerely,

Lisa P. Jackson
Administrator
Environmental Protection Agency

To: All EPA Employees[]
From: Message from the Administrator
Sent: Wed 9/23/2009 9:25:26 PM
Subject: The President's SAVE Award
[Visit the Agency's Intranet for More Information](#)
[All Hands Email-Archive](#)
[Hotspot](#)

[This message is being sent to all EPA Employees.](#)
[Please do not reply to this mass mailing.](#)

[Submit your cost-saving initiative](#)
www.SaveAward.gov
www.SaveAward.gov
[Hotspot](#)
[\(embedded image\)](#)
[\(embedded image\)](#)

Visit the Agency's Intranet for More Information

All Hands Email-Archive

This message is being sent to all EPA Employees.
Please do not reply to this mass mailing.

MEMORANDUM

SUBJECT: The President's SAVE Award

FROM: Administrator Lisa P. Jackson

TO: All EPA Employees

Do you have an idea for how EPA can trim costs and save taxpayer dollars? Submit your cost-saving initiative for potential inclusion in the President's Budget and become the first-ever SAVE Award winner.

The deadline for submissions is Wednesday, October 14. The winner will get to present his or her idea directly to President Obama and also have it included in the FY 2011 budget. In addition, the agency with the most participation in the contest will receive an award.

In a radio address on April 25, 2009, the President called for "a process through which every government worker can submit their ideas for how their agency can save money and perform better."

The President's SAVE Award will fulfill this commitment by enabling any federal employee to submit ideas for efficiencies and savings as part of the annual Budget process. This contest is part of a larger effort to make sure that we use taxpayer dollars for programs and initiatives that have proven records of success and fix or end programs that do not.

All submissions are confidential and can be made at www.SaveAward.gov.

The deadline is Wednesday, October 14, and the winner will be announced in November. I urge you to participate not only so EPA can win the award for the best participation, but, more importantly, because this effort is an important way to give the American people a government that does more for less.

For more information, go to www.SaveAward.gov and watch this video from OMB Director Peter Orszag.

Thank you for your support of this effort and for participating in the President's SAVE Award contest.

Sincerely,

Lisa P. Jackson

EPA@Work



To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]; N=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Wed 9/23/2009 9:51:14 PM
Subject: Re: emergent/urgent issue

Yes.

----- Original Message -----

From: Richard Windsor
Sent: 09/23/2009 05:35 PM EDT
To: David McIntosh
Cc: "Seth Oster" <oster.seth@epa.gov>
Subject: Re: emergent/urgent issue

I don't know if we need the last sentence. I don't feel strongly though.

Seth - assume you and David will blast this out once the Senator has it?

----- Original Message -----

From: David McIntosh
Sent: 09/23/2009 04:50 PM EDT
To: Richard Windsor
Cc: Gina McCarthy; Lisa Heinzerling; Diane Thompson; Scott Fulton; Seth Oster
Subject: emergent/urgent issue

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Deliberative

Deliberative

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A few minutes ago, Senator Feinstein sent you a letter whose text is pasted immediately below. I drafted a response from you, which is pasted at the bottom of this message. Gina and Lisa H have approved it. I recommend that you authorize me to put your signature on it (or to bring it by for you to sign). If you do authorize me to put your signature on it and send it, I will, however, do a final gut check with the team of people I've been working with in the White House and in the Senate, just to make sure that nothing has changed such to make this letter unnecessary or counterproductive.

Dear Administrator Jackson:

Senator Lisa Murkowski has filed Amendment Number 2530 to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act.

Her amendment would prohibit the Environmental Protection Agency from using any funds made available under the Act to take any action that would have the effect of making a carbon dioxide a pollutant subject to regulation under the Clean Air Act for any source other than a mobile source.

I am writing to ask you to tell me what the practical impact would be if Congress enacted that restriction.

Thank you in advance for your prompt response.

Sincerely.

Dianne Feinstein
U.S. Senator

Dear Senator Feinstein,

Thank you for your letter about Senator Lisa Murkowski's Amendment Number 2530 to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act. As you noted in your letter, Senator Murkowski's amendment would prohibit the Environmental Protection Agency from using any funds made available under the Act to take any action that would have the effect of making a carbon dioxide a pollutant subject to regulation under the Clean Air Act for any source other than a mobile source.

You asked me what the practical impact would be if Congress enacted Senator Murkowski's amendment. The most striking impact would be to make it impossible for the Environmental Protection Agency to promulgate the light-duty vehicle greenhouse-gas emissions standards that the agency proposed on September 15, 2009. Because of the way the Clean Air Act is written, promulgation of the proposed light-duty vehicle rule will automatically make carbon dioxide a pollutant subject to regulation under the Clean Air Act for stationary sources, as well as for light-duty vehicles. The only way that EPA could comply with the prohibition in Senator Murkowski's amendment would be to not promulgate the light-duty vehicle standards.

As you know, promulgating of EPA's light-duty vehicle greenhouse-gas emissions standards is an essential part of the historic agreement that President Obama announced earlier this year with the nation's auto-makers, the State of California, the Department of Transportation, and EPA. That agreement attracted broad, bi-partisan support. The joint DOT-EPA standards are projected to save 1.8 billion barrels of oil over the life of the program, which is twice the amount of oil (crude oil and products) imported in 2008 from the Persian Gulf countries, according to the Department of Energy's Energy Information Administration Office. Additionally, the standards are projected to help save consumers more than \$3,000 over the lifetime of a model year 2016 vehicle and reduce approximately 900 million metric tons of greenhouse gas emissions. Enactment of Senator Murkowski's amendment would pull the plug on those extraordinary accomplishments.

Sincerely,

Lisa P. Jackson
Administrator
Environmental Protection Agency

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA[];
N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA[]; N=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Wed 9/23/2009 9:59:06 PM
Subject: Fw: signed copy of the Chesapeake Bay draft strategy guidance
ChesapeakeBayFedLeadShpCmteMem.9.23.09.pdf

FYI, Jon called to let me know this was going out. Would usually just go from OMB but Nancy stayed involved to ensure it would be acceptable.

DT

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999
----- Forwarded by Diane Thompson/DC/USEPA/US on 09/23/2009 05:57 PM -----

From: "Carson, Jonathan K." Personal Privacy
To: Diane Thompson/DC/USEPA/US@EPA
Date: 09/23/2009 03:00 PM
Subject: FW: signed copy of the Chesapeake Bay draft strategy guidance

Here's the memo I mentioned, thanks,
Jon

Jon Carson
Chief of Staff
Council on Environmental Quality

Office: Personal Privacy
Fax: Personal Privacy

To: CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Wed 9/23/2009 10:49:14 PM
Subject: Re: emergent/urgent issue

The letter looks fine. Thanks to all. Call if I can help Personal Privacy

----- Original Message -----

From: David McIntosh

Sent: 09/23/2009 04:50 PM EDT

To: Richard Windsor

Cc: Gina McCarthy; Lisa Heinzerling; Diane Thompson; Scott Fulton; Seth Oster

Subject: emergent/urgent issue

The Murkowski amendment could come to a vote late tonight, although it now is looking more likely that she will not offer her amendment until tomorrow. Deliberative

Deliberative

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Feinstein sent you a letter whose text is pasted immediately below. I drafted a response from you, which is pasted at the bottom of this message. Gina and Lisa H have approved it. I recommend that you authorize me to put your signature on it (or to bring it by for you to sign). If you do authorize me to put your signature on it and send it, I will, however, do a final gut check with the team of people I've been working with in the White House and in the Senate, just to make sure that nothing has changed such to make this letter unnecessary or counterproductive.

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Sincerely,

Lisa P. Jackson
Administrator
Environmental Protection Agency

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: "Michelle DePass" [depass.michelle@epa.gov]; Robert Goulding" [goulding.robert@epa.gov]; Gina (Sheila) McCarthy" [mccarthy.gina@epa.gov]; David McIntosh" [mcintosh.david@epa.gov]
From: CN=Katharine Gage/OU=DC/O=USEPA/C=US
Sent: Wed 9/23/2009 10:53:55 PM
Subject: Re: Mtg with Todd Stern, Jonathan Pershing to discuss GHG regulatory strategy

Administrator,

Todd is unable to come tomorrow so we confirmed an hour for Friday.

Unfortunately Jonathan Pershing will be out of the country so Todd is planning on bringing his CoS Peter Ogden.

Please let me know if that is not OK or you need anything to change.

Thank you,
Kate

From: Richard Windsor/DC/USEPA/US
To: Katharine Gage/DC/USEPA/US@EPA
Date: 09/22/2009 06:10 PM
Subject: Re: Mtg with Todd Stern, Jonathan Pershing to discuss GHG regulatory strategy

Ty

----- Original Message -----

From: Katharine Gage
Sent: 09/22/2009 06:10 PM EDT
To: Richard Windsor
Cc: "Michelle DePass" <depass.michelle@epa.gov>; "Robert Goulding" <goulding.robert@epa.gov>; "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "David McIntosh" <mcintosh.david@epa.gov>
Subject: Re: Mtg with Todd Stern, Jonathan Pershing to discuss GHG regulatory strategy
Stern's office can't do before Thursday and we are waiting for them to get back to us to confirm a time. I am hoping to confirm a time for Thursday first thing tomorrow.

Thank you,

From: Richard Windsor/DC/USEPA/US
To: "Katharine Gage" <Gage.Katharine@epamail.epa.gov>
Cc: "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>, "Michelle DePass" <depass.michelle@epa.gov>, "David McIntosh" <mcintosh.david@epa.gov>, "Robert Goulding"

<goulding.robert@epa.gov>

Date: 09/22/2009 03:15 PM

Subject: Mtg with Todd Stern, Jonathan Pershing to discuss GHG regulatory strategy

Need the above ASAP. Tx.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Aaron Dickerson/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Thur 9/24/2009 3:06:33 PM
Subject: Fw: Talking Points: Health Insurance Reform Reality Check

FYI

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999
----- Forwarded by Diane Thompson/DC/USEPA/US on 09/24/2009 11:05 AM -----

From: "Milakofsky, Benjamin E." <[Personal Privacy]>
To: "Lu, Christopher P." <[Personal Privacy]> "Smith, Elizabeth S." <[Personal Privacy]> "Kimball, Astri B." <[Personal Privacy]> "Hurlbut, Brandon K." <[Personal Privacy]> "French, Michael J." <[Personal Privacy]> "Milakofsky, Benjamin E." <[Personal Privacy]> "Taylor, Adam R." <[Personal Privacy]>
Date: 09/24/2009 09:50 AM
Subject: Talking Points: Health Insurance Reform Reality Check

Dear Chiefs of Staff:

Please see the below talking points on health insurance reform.

--Cabinet Affairs

Talking Points: Health Insurance Reform Reality Check

· Right now, tens of millions of Americans live without health care coverage – one injury or illness away from bankruptcy. Tens of thousands join their ranks each week. And skyrocketing costs are squeezing family budgets, threatening businesses viability, consuming state and local budgets, and exploding our national deficit.

· Yet, despite the overwhelming evidence that the status quo is unsustainable, some in Washington have decided that it's in their political interest to kill reform at all costs. And they've spread baseless rumors to scare the American people about what reform would mean for them.

· Here is a reality check on a few of their most common attacks:

Attack: Health insurance reform is just another big-government spending program that will add trillions to our national deficit.

Ø Reality Check: President Obama will not sign a bill that adds even one dime to our deficit.

o To prove how serious he is, if the savings promised at the time of enactment don't materialize, the

President will be required to put forth additional funds to ensure that the plan does not add to the deficit.

- o In fact, the CBO has said that Sen. Baucus' proposal will not just be deficit neutral but would actually reduce the deficit.
- o One way to guarantee our national deficit continues to skyrocket is to do nothing.

Attack: Under the President's health insurance reform plan, seniors can expect to see their Medicare benefits cuts.

Ø Reality Check: President Obama believes Medicare is a sacred trust with America's seniors. Reform protects Medicare. It doesn't use dime of the Medicare trust fund to pay for reform and it strengthens the financial health of the program.

- o For proof of just how politically motivated these attacks on the President's proposal to eliminate waste in Medicare Advantage are, look no further than the fact that a group of Republican Senators actually introduced a similar proposal as recently as this past May.
- o The Republican distortions and outright falsehoods about Medicare would be offensive under any circumstances, but they're especially disingenuous coming from a group who has a long history of opposing Medicare and who very recently tried to kill Medicare as we know it by turning it into a voucher program that provides a fixed sum of money to buy private insurance.

Attack: President Obama and the Democrats in Congress are trying to rush a bill through before we have time to thoroughly evaluate it. We should slow down and get it right.

Ø Reality Check: Washington has been talking about fixing our broken health care system for decades only to allow partisan maneuvering and special-interest lobbying to stall reform. Each year thousands of Americans die because they don't have health care coverage. And every day, 14,000 Americans lose their insurance. We can't afford to wait any longer to act.

- o The truth is, reform's opponents know that, in Washington, the best way to kill a good idea is to stall it to death.
- o Yesterday, one Republican Senator offered rare candor about why they want to delay action – he said they need a little more time to consult with industry lobbyists.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=David Cohen/OU=DC/O=USEPA/C=US
Sent: Thur 9/24/2009 3:40:35 PM
Subject: top secret
[926a-side.pdf](#)
[926a.pdf](#)

strictly between us, here is national journal's story on you due out tomorrow. in case you haven't seen an advance copy yet, this will open up nicely on your desktop -- and please act surprised if anyone else shows it to you.

Deliberative since your first month here. the article, satisfyingly to me, turned out sick great, on my view. but more importantly, every word is earned and deserved.

the re-evaluator

Chemical engineer Lisa Jackson has spent much of her first eight months as administrator of the Environmental Protection Agency reviewing Bush-era decisions.

* By Margaret Kriz Hobson

In late January, shortly after Lisa Jackson was sworn in as administrator of the Environmental Protection Agency, President Obama directed her to take a second look at his predecessor's decision to block California's efforts to regulate global-warming pollution from cars. In September, Jackson, together with Transportation Secretary Ray LaHood, reversed the Bush administration's ruling.

Jackson, a Princeton-educated chemical engineer, has spent much of her first eight months on the job re-evaluating Bush policies. She is also using her position to push for greater diversity in the voices that are heard in environmental policy debates. "We have to get someone who sits in an urban setting or who is really concerned about school conditions to see themselves as caring about environmental issues," Jackson, the agency's first African-American administrator, told *National Journal*. "For us to have a vibrant and strong movement for the environment into the future, it means building again the broad coalition that got us the EPA to start with." Edited excerpts from *NJ*'s September 21 interview with Jackson follow.

* *NJ*: Why are you reviewing and reversing many of the Bush administration's environmental policies?

* Jackson: President Obama came in and made it clear that he wants to revitalize national environmental policy and EPA's role in being active in promoting human health and the environment. So we have called for review in those cases where we believe that a regulation or standard didn't necessarily follow sound science. I think that it is extremely important [for people to believe that they] can trust EPA, that sound science is something that we will adhere to.

* *NJ*: Would it be difficult to regulate greenhouse gases under the Clean Air Act rather than through a new law?

* Jackson: There are two tracks here. There has always been the idea of new legislation specifically designed and put together to address carbon dioxide and greenhouse-gas pollution. The belief is based on the idea—and I subscribe to it—that it's better to be market-based. That will provide an incentive, a clear signal, on the price for carbon, and there-

fore the markets will react. And I agree with all of that. I think legislation is the best way to do that.

But I think regulation does the same thing. Any regulatory program also imposes a cost. And industry looks at it and says, "OK, so now we have these new regulations to comply with. How best can we do that?" I believe there are some very good, measured things that can happen with respect to greenhouse gases under the Clean Air Act that are entirely consistent with what I hope will ultimately be climate legislation.

* *NJ*: The Clean Air Act directs EPA to regulate companies that emit at least 250 tons of a hazardous chemical. If you regulate greenhouse gases under the law, do you risk being forced to regulate a lot of small businesses?

* Jackson: I've said over and over that that would not be a satisfactory outcome. If that were the case, then I would agree that it is not the way to regulate smartly. I believe there are things that we can do in terms of the regulatory environment to preclude that outcome.

* *NJ*: The administration recently released draft reports aimed at restoring the health of the Chesapeake Bay. Do you plan to adopt regulations to reach that goal?

* Jackson: There's an ongoing need to force some rigor into the system. But the decisions are tough. EPA recognizes and embraces its fundamental role of sometimes having to be the watchdog to ensure that we don't move away from the tough decisions.

The Chesapeake Bay allows us to use it as a laboratory. I hope that what we learn from some of the things that we try on the bay will be lessons that we can use one way or the other in terms of national policy. The EPA's draft report on the bay got lots of attention because it specifically talked about the opportunities to consider new regulations [targeting such issues as] storm-water runoff from development and enforcement of the existing [industrial animal facility] regulations—and an understanding that we probably need additional regulations even there. So it's both. It's [about the regulations] that you now have on the books and about operations that aren't currently regulated.



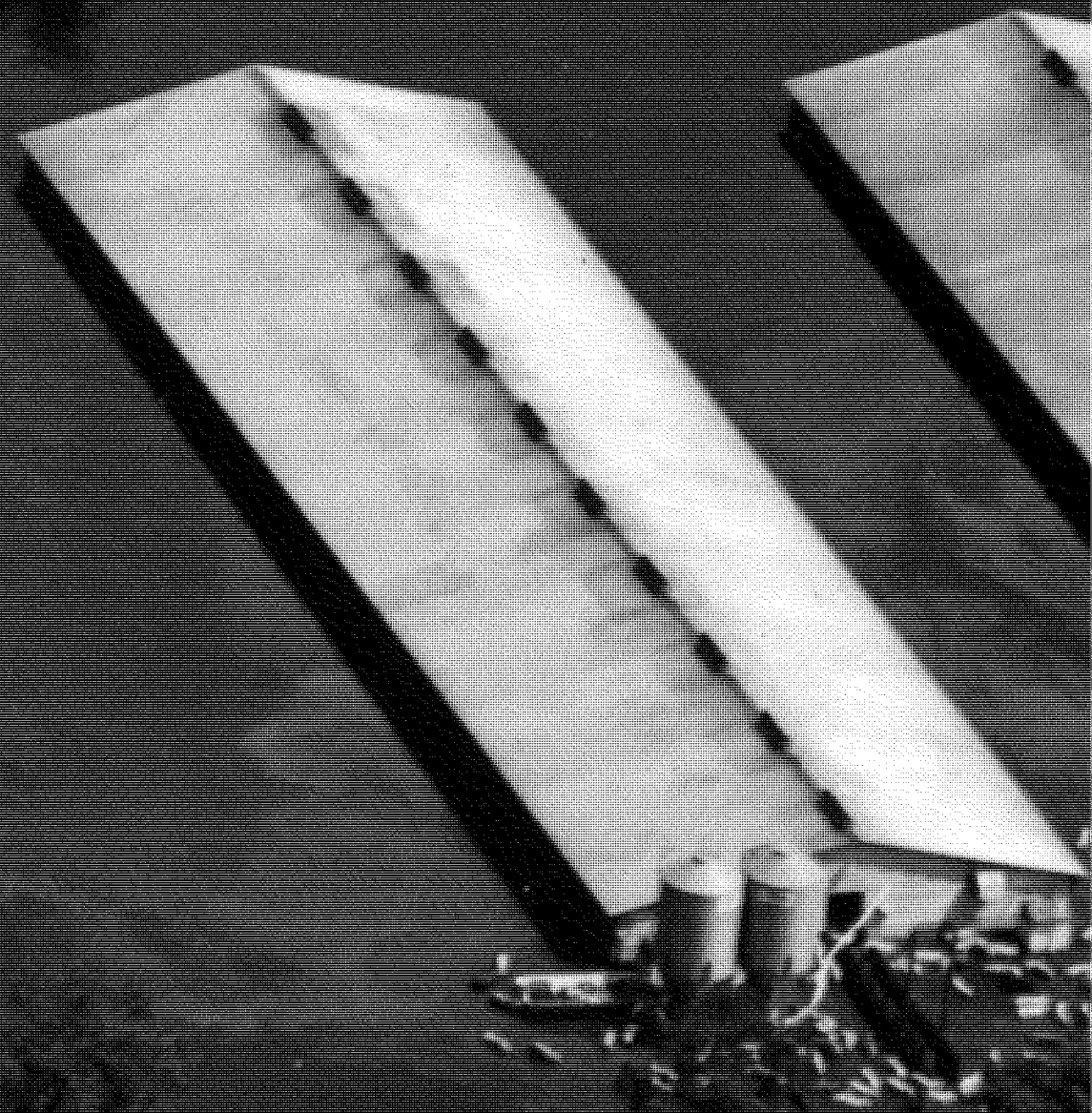
"We have called for review in those cases where we believe that a [Bush-era] regulation or standard didn't necessarily follow sound science."

—Lisa Jackson

mhobson@nationaljournal.com

Cover Story

By almost any measure, this is the greenest White House in history, one that is rapidly reinvigorating federal environmental policy.



the about-Face

* By Margaret Kriz Hobson



* RISING CONCERN: Water pollution from factory farms and elsewhere could take center stage next year.

t

he obama administ ration has hit the ground running in several areas. The activist environmental agenda pulled back more than a dozen Bush-era directives and mapped an ambitious course for regulating carbon dioxide for the first time, protecting the nation's waterways, and reducing pollution from power plants, factories, farms, and



* President Obama quickly made a dramatic break from the policies of the Bush era by pushing to regulate greenhouse-gas emissions.

* as the Senate was confirming EPA's top political appointees, the agency was already producing a steady stream of policy changes.

* an interagency team is readying principles for beefing up chemical-safety laws.

By almost any measure, this is the greenest White House in history, one that is rapidly reinvigorating federal environmental policy in a quest to deliver on the president's campaign promises. How many promises ultimately get kept will hinge in large part on the level of pushback from Congress, the courts, and industry. But, no matter how strong the headwinds, long gone are the days when the Environmental Protection Agency was performing a vanishing act—failing, according to its many critics, to live up to its name.

"Too often [under President Bush] this agency seemed to go out of its way to ignore the science or ignore the law, or find somewhat tortured interpretations of law that at the end of the day didn't hold up," EPA Administrator Lisa Jackson told *National Journal*. "And so in those cases, as much as I'd love to just be able to move forward from day one and be proactive with a whole new agenda, I don't think we're able to build the confidence of the American people that we're really on the job without being willing to take on some of those decisions and relook at them." (See Q & A with Jackson, p. 28.)

During his first month in office, President Obama signaled a dramatic break from his predecessor by pushing to regulate greenhouse-gas emissions, which are blamed for global warming. The president called on EPA to reconsider Bush administration decisions that blocked regulation of carbon dioxide from cars and coal-fired power plants. The new team also dropped a controversial Bush effort to curb mercury emissions from power plants through a pollution-trading program, and vowed to force the nation's 500 coal-fired power plants to stop releasing mercury into the air. (Some of the oldest plants have always been exempted from complying with the 1970 Clean Air Act.)

As the Senate was confirming EPA's top political appointees, the agency was already producing a steady stream of policy changes. It dropped a Bush rule that allowed more than 3,500 factories to avoid giving the public a full accounting of the toxic pollutants they store or emit into the air and water. Regulators ordered Texas and West Virginia to get tougher on polluters. And federal officials sued three utilities that they alleged expanded their coal-fired power plants without meeting associated environmental mandates.

The pace of EPA action picked up early this month when Jackson announced plans to cut carbon dioxide emissions from cars, take a harder look at water pollution from mountaintop mining, and regulate coal-fired power plants' "coal ash" waste ponds, which have been known to leak and contaminate drinking water and streams.

The White House also unveiled two sweeping, multi-agency efforts to tackle the nation's long-neglected water-pollution problems. On September 10, Jackson joined Interior Secretary Ken Salazar and Agriculture Secretary Tom Vilsack in releasing a comprehensive blueprint for cleaning up the Chesapeake Bay by controlling runoff from urban areas, large livestock operations, and farms. The following week, the administration issued a far-reaching ocean-management plan to protect wildlife and water quality in the seas, along the coasts, and in the Great Lakes area. Still in the works is an environmental strategy for the Mississippi River basin, which reaches nearly from the Appalachian Mountains to the Rockies.

Meanwhile, an interagency team is readying principles for beefing up federal chemical-safety laws. Environmental groups want EPA to require chemical manufacturers to test the safety of substances that find their way into the bloodstreams of adults and newborns. Washington environmental experts predict that water-pollution and toxic-chemicals policies could take center stage next year after final action on global-warming legislation.

Jackson acknowledges that EPA has a lot on its plate but insists that the agency is up to the challenge. "Can I deliver? I fully intend to," she said. "More important, the staff here wants to. If anything, the last eight years has made them realize that it's not any fun not being in the forefront of these issues. And it doesn't feel good to know that the American people have lost some amount of confidence [in EPA]. We want that confidence back."

Warnings From Industry

Yes, things have certainly changed at EPA since the Bush era, when the White House balked at controlling greenhouse gases, squeezed the agency's budget, and sometimes insisted that regulators adopt legally dubious interpretations of environmental laws.

Candidate Obama promised to reverse many of those policies, and so far his efforts have elicited praise from Bush's critics and warnings from industry.

"In nine short months, this administration has made demonstrable and highly significant steps toward curbing air pollution," said S. William Becker, executive director of the National Association of Clean Air Agencies, which represents state and local pollution-control officials. Likewise, Anna Aurilio, Washington office director for the advocacy group Environment America, said, "This is a 180-degree turn. We just came off of an administration that was not only hostile to regulating climate change but would go through scientific reports and scrub [any] mention of global warming out."

Some supporters voice caution, however, that Obama's environmental team is likely to hit a political brick wall as agriculture and coal lobbyists ramp up their opposition. "We know that the various regulated industries that are finally going to have to clean up their acts are not going to go quietly," said Bruce Nilles, director of the Sierra Club's "Beyond Coal" campaign. "The reason they've enjoyed these loopholes for all these years is because they're very powerful, and they spend a lot of money, and they've got some very powerful friends in Congress."

Washington lawyer Jeff Holmstead, who ran EPA's air-pollution office during Bush's first term, said that "in their eagerness to satisfy

the environmental community, [Obama officials] have taken some shortcuts" that might not survive legal challenge. "They've misused the process in a way that's never been done before," he said. Specifically, Holmstead said that the Obama administration has reopened consent agreements reached between the Bush administration and electric power companies and ordered the firms to install stricter pollution-control equipment than originally agreed to. Industry groups are also protesting the Obama EPA's decision to postpone the effective dates of rules that were put in place by the Bush White House but opposed by environmental activists.

The business community preferred the Bush administration's emphasis on voluntary environmental protection programs rather than the strengthened pollution regulations that the Obama administration is considering. For example, the National Association of Manufacturers objected that EPA's recent rule setting up a national reporting system for greenhouse-gas emissions is duplicative and burdensome, and will hike business costs for many manufacturers.

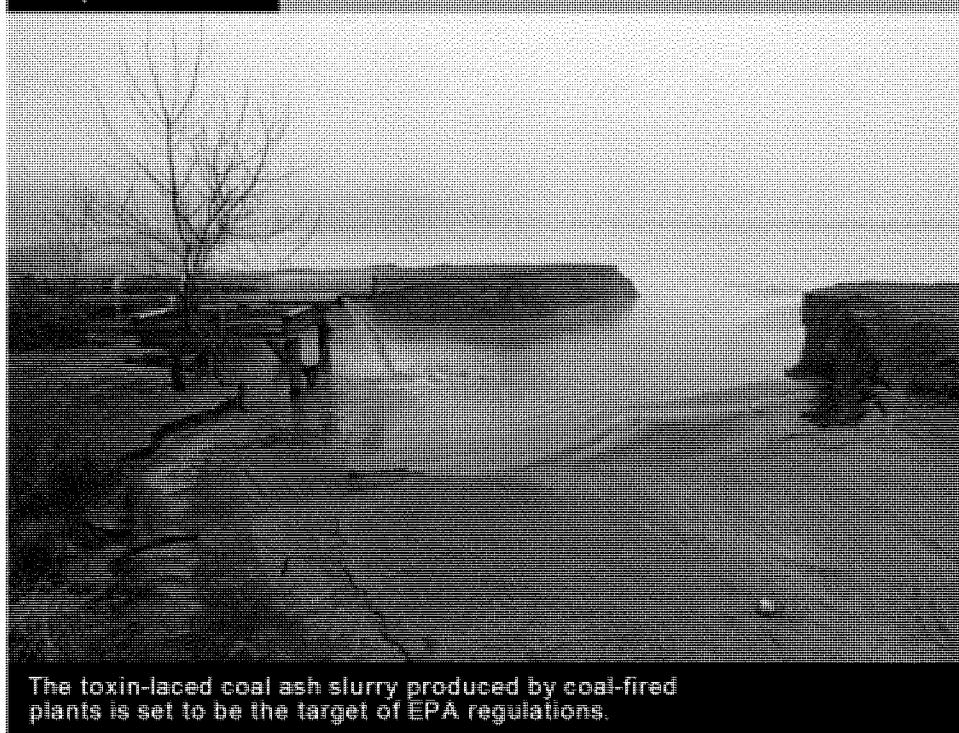
Industry lobbyists argue that companies are likely to file legal challenges against EPA as the administration's new environmental policies become final. In early September, the U.S. Chamber of Commerce and the National Automobile Dealers Association went to court seeking to block EPA's decision to allow California to regu-

* Going Topless



EPA plans to take a harder look at water pollution caused by mining that lops off a mountaintop and dumps it nearby.

Liquid Leftovers



The toxin-laced coal ash slurry produced by coal-fired plants is set to be the target of EPA regulations.

late greenhouse-gas emissions from cars. The groups contend that climate change is an international problem that should not be addressed through state-level regulations.

William Kovacs, who heads the chamber's environment, technology, and regulatory-affairs division, predicts that EPA faces a long battle to protect its new policies. "We're all going to know [whether the new proposals will stand] when the Supreme Court finally decides all these issues," he said.

Team of Veterans

Jackson is leading the charge on strengthening America's environmental policies. But White House energy and climate-change czar Carol Browner, who headed EPA during the Clinton administration, helped draw up the battle plans. In a 16-page essay for the Center for American Progress think tank written before Obama took office, Browner outlined an agenda much like the one the administration is following.

Obama staffed EPA with an all-star team of experts on environmental law and the federal regulatory process. Throughout her career, Jackson has focused on state and federal environmental policy. She worked for EPA for 16 years before going to New Jersey, where she headed the state Environmental Protection Department. More recently, she served as chief of staff there to Gov. Jon Corzine.

Jackson is a force to be reckoned with in the administration's internal discussions, according to people watching her closely. "Lisa knows the agency," said Eric Schaeffer, executive director of the Environmental Integrity Project, a Washington advocacy group. Schaeffer, a former director of EPA's office of civil enforcement, describes Jackson as "decisive," adding, "She's technically sophisticated. She knows what questions to ask."

Jackson's staff includes former Georgetown University Law

School professor Lisa Heinzerling, who was the lead author of legal briefs in the Supreme Court case challenging the Bush administration's decision not to regulate global-warming pollution from cars and trucks. Her work led to the Court's landmark *Massachusetts v. EPA* ruling, which ruled EPA may consider whether climate change endangers health and the environment.

Also on Jackson's team is Robert Sussman, who directed EPA's air office early in the Clinton administration, and David McIntosh, a former aide to Sen. Joe Lieberman, ID-Conn. During the last Congress, McIntosh was instrumental in Lieberman's attempt to get climate-change legislation through the Senate. Obama has nominated Bob Perciasepe as EPA's deputy administrator. Perciasepe headed the agency's air-pollution program late in the Clinton administration.

Other stars in EPA's lineup include Gina McCarthy, assistant administrator of the air and radiation office, and Peter Silva, assistant administrator of the water office. McCarthy has a long history of environmental work in Connecticut

and Massachusetts. Silva is a veteran water engineer who most recently was an adviser to Southern California's Metropolitan Water District.

Obama has asked Congress to boost EPA's budget to \$10.5 billion—a nearly 40 percent jump from its \$7.6 billion fiscal 2009 figure. Much of that increase, which lawmakers have yet to approve, would go to the states for wastewater treatment plants and drinking-water programs.

To be sure, the Obama administration has hit some bumps in its rush to roll back Bush-era policies. It stumbled, for example, while trying to put the brakes on a controversial form of strip-mining. In March, environmental activists celebrated when EPA announced that it would challenge mountaintop mining permits in Kentucky and West Virginia. (Mountaintop mining operations strip off whatever lies above a layer of coal—sometimes hundreds of feet of dirt and rock. The operators dump all of that material into nearby valleys, sometimes blocking the headwaters of streams.)

The Obama EPA's first press release on the topic stated that such mining "would likely cause water-quality problems in streams below the mines, would cause significant degradation to streams buried by mining activities, and that proposed steps to offset these impacts are inadequate." Just hours later, EPA released a much more subdued statement stressing that the agency was "not halting, holding, or placing a moratorium on any of the mining permit applications." Jackson subsequently signed off on most of those permits. Insiders say that the agency's tone changed after the coal industry howled. "They were not prepared for the blowback," one agency insider says. EPA issued a carefully worded statement this month announcing that it planned to delay 79 mountaintop mining projects in Appalachia while regulators assessed their potential impact on water systems and public health.

Trip Van Noppen, president of Earthjustice, an advocacy group, says that the environmental community has "continuing concerns about where the administration is going to go on mountain removal." He is urging EPA to overturn Bush-era rules that open the door to expanded use of the mining technique, but he acknowledged that the wrath of lawmakers from coal-producing states can be powerful. "The politics of coal are complicated in the current Congress," he said.

Some key environmentalists are also unhappy that the White House has not yet issued executive orders to ensure the integrity of federal scientists' reports, streamline the regulatory process, and make its decision-making more transparent. "We'd like to see the logs of all of the agencies opened up to the public so we know which special interests, including us, are meeting with government officials," said Francesca Grifo, director of the Union of Concerned Scientists' scientific-integrity program. During the Bush administration, Grifo's group charged that two-thirds of EPA's scientists had run into political interference.

The president can achieve some of his top environmental goals only through congressional action. The White House wants Congress to amend the Clean Water Act to explicitly cover wetlands and temporary streams. (The Supreme Court ruled in 2006 that the current law applies only to navigable waterways.) The president also wants to strengthen the Toxic Substances Control Act, which governs chemical safety. In addition, Obama's fiscal 2010 budget called on Congress to bankroll the Superfund hazardous-waste cleanup program by reinstating a tax on the chemical and oil industries that expired in 1995. For now, though, when Obama's environmental officials go to Capitol Hill, they focus on climate-change legislation.

Some industry lobbyists argue that the administration's arm-twisting during the House climate-change debate left bad feelings that could hurt Obama's chances of getting what he wants on other environmental issues. Michael Formica, chief environmental counsel for the National Pork Producers Council, said that the White House will have a hard time persuading moderate Democrats from farm states to rewrite the Clean Water Act. "The Blue Dogs in Congress won't go along with it after the votes they had to take on the climate bill," Formica predicts.

Farm groups fear that the White House wants to give government regulators authority over farms and other rural lands. Operators of so-called factory farms, where a large number of animals are crowded together, often drain liquid manure into special lagoons. The waste can foul groundwater or streams if the lagoons leak or get flooded. For now, EPA has no authority to intervene until after a farm has polluted nearby water.

Hot Prospects

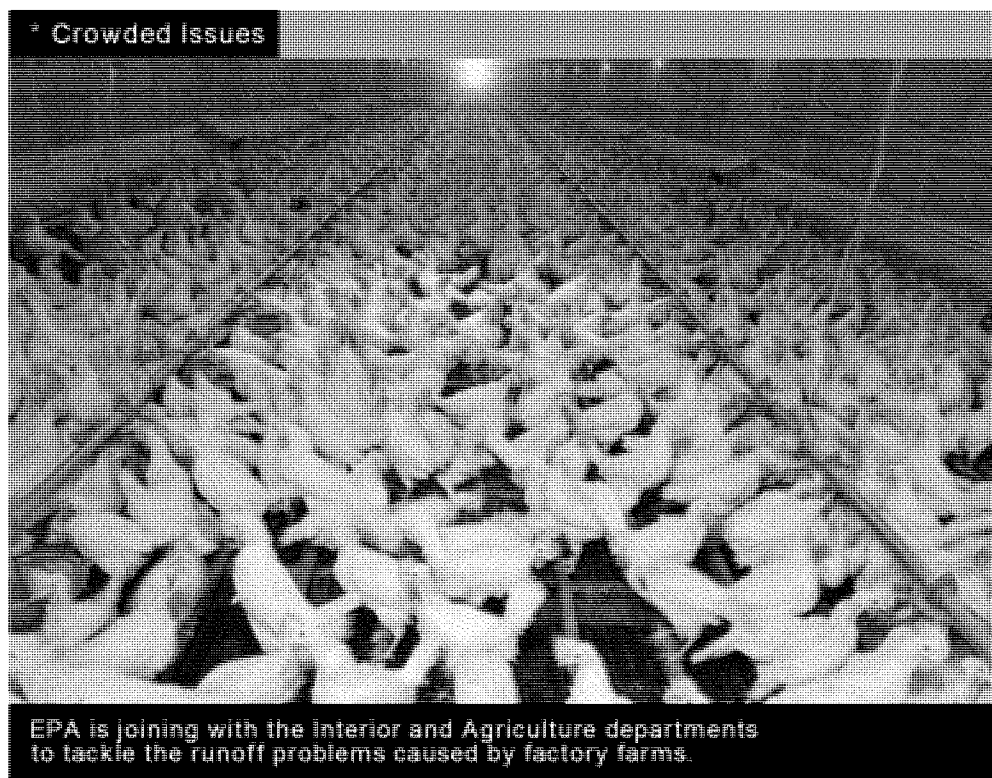
During her first months in office, Jackson's main task has been dismantling the Bush administration's environmental legacy. Bush's

White House took special care to finalize the vast majority of its environmental policy changes before its term ended. To overturn any of those rules, Jackson must start from scratch to build a new legal and scientific record, issue a proposed rule change, and give the public time to comment on the proposed revision. That process can take a year or two. The jury is out on how many changes the administrator and her staff can complete during Obama's current term. Regulatory changes are most likely in the following areas.

- **Climate Change.** Environmental experts from the Obama administration, industry, and Congress tend to agree that the Clean Air Act is not the ideal vehicle for controlling greenhouse-gas emissions. But in 2007, the Supreme Court ruled that EPA has the authority under that law to regulate global-warming pollutants if evidence shows that they endanger public health and welfare. The Bush White House refused to exercise that power.

Obama came into office asking Congress to pass climate-change legislation, and this spring, he put his muscle behind a House bill to cut carbon dioxide emissions through a cap-and-trade program. The House passed a bill in June, but momentum to get a bill through the Senate is waning. EPA is moving ahead with plans to use existing law to control emissions, prompting Republicans in the Senate to look for ways to block the agency from acting on its own.

Early this month, Jackson and Transportation Secretary Ray LaHood released proposals to require automakers to sell more-efficient vehicles and to reduce greenhouse-gas emissions from cars and trucks. That regulatory package was the first part of the White House's multistage climate-change plan. EPA also recently set up a registry requiring major polluters to report their emis-





Trashed

The Great Lakes area is included in the Obama administration's far-reaching plan to improve water quality.

• **Coal.** The nation's most abundant fossil fuel, coal, is at the center of many of the environmental policies that the Bush administration weakened and the Obama administration wants to strengthen. The environmental community is keen on persuading EPA to address two coal-related issues: restricting mountaintop mining and controlling power plants' toxic waste, which operators now keep in unregulated coal ash ponds.

The coal ash problem jumped to the top of many environmentalists' priority lists last December when a retention pond wall collapsed at a Tennessee Valley Authority plant, pouring dangerous chemicals into waterways and flooding nearby houses. Since then, EPA has begun to assess the safety of coal ash impoundment ponds across the nation. And the TVA has conceded that four of its other waste ponds could cause fatalities and serious environmental damage if they ruptured.

Early this month, three environmental groups threatened to sue EPA if regulators fail to crack down on ash ponds. Jackson responded by announcing plans to regulate. "Current regulations, which were issued in 1982, have not kept pace with changes that have occurred in the electric power industry over the last three decades," the agency declared.

EPA studies show that coal plants release millions of pounds of arsenic, lead, mercury, and selenium into ponds each year. Those pollutants can leach into groundwater and contaminate waterways, according to the Defenders of Wildlife, the Environmental Integrity Project, and the Sierra Club, the trio behind the potential suit.

• **Air Pollution.** In the late 1990s, the Clinton administration assembled a team of state, industry, and environmental experts to craft regulations for mercury emissions. The Bush EPA scrapped that effort, instead opting to allow electric companies to trade mercury-pollution credits. Critics complained that the plan could result in high concentrations of mercury near some power plants, and the courts eventually rejected the program. The Obama administration is starting from scratch in developing a mercury-control plan.

sions of greenhouse gases. The agency is poised to issue a scientific report on whether carbon dioxide emissions endanger public health and welfare. "It's almost like the Obama administration is carefully constructing a building here, brick by brick, in developing its climate policy," said Frank O'Donnell, president of Clean Air Watch.

Before EPA officials take the final step of issuing a proposed rule to regulate industrial greenhouse gases, however, they want to limit the number of businesses that would be affected. The Clean Air Act requires EPA to regulate companies that emit at least 250 tons of a given hazardous pollutant each year. For greenhouse gases, that could include tens of thousands of small businesses. The White House hopes to craft a small-business exemption, limiting the reach of the regulation to companies that produce at least 25,000 tons of carbon dioxide per year. But Holmstead, who once ran EPA's air office, charges that an exemption would not hold up in court and that, as a result, EPA could be forced to oversee countless businesses.

Jackson contends that her agency is treading carefully in drafting its proposals. "We're not going to put a proposed regulation out that we don't believe stands up to the rule of law," she said. "We believe that there are opportunities that allow us to not start by hitting small businesses or treating everyone the same."

"EPA has a legal obligation to issue strong air-toxics rules that will require every power-plant unit in this country of any size to install pollution controls to clean up mercury, lead, arsenic, and all other toxic chemicals," said John Walke, clean-air director of the Natural Resources Defense Council, which filed the lawsuit that prompted EPA to move toward regulating mercury. "That has been something that the utility industry has escaped for the entire 39-year history of the Clean Air Act."

Americans are mainly exposed to mercury, which can cause brain damage, by eating fish from contaminated waters.

• **Water Pollution.** The multi-agency plan to clean up the Chesapeake Bay, coastal waters, and the Great Lakes area includes tackling the politically difficult issues of farm management, urban development, and wastewater treatment plants that overflow into rivers during floods. Environmentalists welcome the Obama initiative. "We've never seen such an interagency effort before aimed at coming up with strategies," said Lynn Thorp, national campaigns coordinator of Clean Water Action. "If that can be real and integrated and have some real force behind it, that is the question."

With water-pollution reports from past years gathering dust, activists want the Obama administration to do more than study the problems. "It's not like we've done all that we could do under existing law," said Michele Merkel, the Chesapeake regional coordinator for the Waterkeeper Alliance. "The states have failed to do their jobs in terms of enforcing the laws and issuing strong and protective permits. And EPA has failed in providing adequate oversight to make sure that the states are meeting their obligation."

Robert Martin, former executive director with the Pew Commission on Industrial Farm Animal Protection, said that the growth of industrial farms has complicated regional water-pollution problems. He noted that manure holding ponds can leak or overflow during floods. Because farmers also use the manure to fertilize crops, storms can wash the nutrients into waterways. "It's a complex problem that needs a nuanced, regional approach," he said.

But Formica of the pork producers' council said that farm groups are wary of the Obama administration's push to protect water systems. Such efforts tend to pit farmers against urban officials reluctant to curb the growth that exacerbates water-pollution problems. "The big concern for us is that we'll be blamed for all of the water problems," he said.

In announcing the Chesapeake Bay plan, Vilsack said that the White House will dedicate \$638 million over the next five years to help large livestock farms curb their water pollution. He said that pollution from farming operations is declining, but Jackson noted that agriculture is still responsible "for about half of the pollution in the bay."

• **Chemical Safety.** In 1989, EPA banned the use of asbestos in some consumer products, based on dozens of studies that linked exposure to deadly respiratory illnesses. The agency imposed the restrictions under the Toxic Substances Control Act, the nation's primary chemical-safety law. Two years later, a federal court ruled that loopholes in the law prohibited the ban. Congress has shrugged off calls to strengthen the law, leaving EPA regulators with little power to control toxic chemicals.

In recent years, however, Americans have become increasingly concerned about the chemicals in children's products. Even the American Chemistry Council, which represents the nation's large chemical manufacturers, supports some proposals to rewrite the law. The administration is drawing up a chemical-safety policy, and environmental and business lobbyists say that it could become a hot topic next year.

Jackson agrees: "Chemicals-management reform for the American people is going to be a huge legislative push. And I think the good news is that almost every stakeholder wants some reform. Obviously, the questions to be asked are 'how' and 'what.'"

Richard Wiles, senior vice president for policy and communications at the nonprofit Environmental Working Group, asserts that Congress should mandate "a fundamental overhaul of the

* Through the Haze



EPA's Jackson announced plans this month to cut carbon dioxide emissions from cars.

way we do business now." Wiles wants the government to set strict chemical-safety standards to protect children. He favors requiring chemical companies to prove that their products are safe; current law, by contrast, requires EPA to show that chemicals are unsafe before the agency can regulate them.

Environmentalists are demanding that chemical companies determine which chemicals are prevalent in the bloodstreams of adults, children, or fetuses. "We think biomonitoring would be a very critical step to help set priorities of which chemicals should be extensively tested out of the thousands of chemicals on the market today," Wiles said.

The Obama Stamp

Eight months into an ambitious new administration, the White House and the revitalized EPA are hustling to put President Obama's stamp on environmental policy—challenging a slow-moving regulatory system and the regulated industries' certain resistance. The question remains whether the new team can overturn many of Bush's regulations, establish its own, and create an aggressive green legacy that will outlast Obama's presidency.

mhobson@nationaljournal.com

on NationalJournal.com

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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=David McIntosh/OU=DC/O=USEPA/C=US
Sent: Thur 9/24/2009 4:07:41 PM
Subject: we just won on Murkowski

Pursuant to unanimous consent, that amendment (and Thune's similar one) will not get a vote.

To: CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]
From: CN=David McIntosh/OU=DC/O=USEPA/C=US
Sent: Thur 9/24/2009 4:11:31 PM
Subject: Re: we just won on Murkowski

And it looks like the bill will pass today. No cloture vote needed.

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Date: 09/24/2009 12:07 PM
Subject: we just won on Murkowski

Pursuant to unanimous consent, that amendment (and Thune's similar one) will not get a vote.

To: CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Thur 9/24/2009 4:13:19 PM
Subject: Re: we just won on Murkowski

Hooray! Congrats!

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Date: 09/24/2009 12:07 PM
Subject: we just won on Murkowski

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To: CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Thur 9/24/2009 4:17:00 PM
Subject: Re: we just won on Murkowski

Yippee!!! Fantastic work, David!

----- Original Message -----

From: David McIntosh
Sent: 09/24/2009 12:11 PM EDT
To: David McIntosh
Cc: Arvin Ganesan; Diane Thompson; Gina McCarthy; Lisa Heinzerling; Richard Windsor; Scott Fulton; Seth Oster
Subject: Re: we just won on Murkowski
And it looks like the bill will pass today. No cloture vote needed.

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Date: 09/24/2009 12:07 PM
Subject: we just won on Murkowski

Pursuant to unanimous consent, that amendment (and Thune's similar one) will not get a vote.

To: CN=David McIntosh/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Gina
McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard
Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Scott
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[];
N=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lisa
Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard
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Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[];
N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Richard
Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Scott
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[];
N=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Scott
Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA[];
N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Seth
Oster/OU=DC/O=USEPA/C=US@EPA[]; N=Seth Oster/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Thur 9/24/2009 6:08:06 PM
Subject: Re: we just won on Murkowski

congratulations!!!!

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

From: David McIntosh/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Scott
Fulton/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA,
Gina McCarthy/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Date: 09/24/2009 12:07 PM
Subject: we just won on Murkowski

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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Adora Andy/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Betsaida Alcantara/OU=DC/O=USEPA/C=US
Sent: Thur 9/24/2009 6:42:44 PM
Subject: National Journal cover
[ATT8QTBC](#)
[926a-side.pdf](#)
[926a.pdf](#)

Boss,

Attached is the preview of the piece running on the National Journal tmr. We think it is a favorable story. We pushed back on the characterization, which they made once or twice in the piece, that Obama Adm has an "activist" enviro agenda. However, reporter couldn't convince the editors to strike it. Thankfully they make it clear in your Q and A that you would characterize it as an active agenda with science and law as your guide.

Do you like the cover pic? Allyn likes it cause you look serious :) For those of us who like you smiling, there's another pic inside for the Q and A portion.

----- Forwarded by Betsaida Alcantara/DC/USEPA/US on 09/24/2009 02:25 PM -----

From: "Kriz Hobson, Margaret" <MKriz@nationaljournal.com>
To: Betsaida Alcantara/DC/USEPA/US@EPA
Date: 09/24/2009 01:49 PM
Subject: cover

Hi Betsaida,

Here's the cover of tomorrow's magazine in J-peg form. The reason I didn't use Lisa's middle initial is because it's our policy not to use middle initials. If she wants me to use it in the future, however, I'll tell the editors that she wants it, and I think they'll go along with it. Sometimes editors need to be prompted more than once. As for active vs. activist—the q&a with her words in it says "active" and explains her thinking on that. My editor added the "activist" into the first line of the story. And since I had several people on both sides of the arguments who used that word, I was hard pressed to insist that we take the word out.

Thanks again for your help!
Margie

Margaret Kriz Hobson
Energy and Environment Correspondent
National Journal
(202) 739-8428



the re-evaluator

Chemical engineer Lisa Jackson has spent much of her first eight months as administrator of the Environmental Protection Agency reviewing Bush-era decisions.

* By Margaret Kriz Hobson

In late January, shortly after Lisa Jackson was sworn in as administrator of the Environmental Protection Agency, President Obama directed her to take a second look at his predecessor's decision to block California's efforts to regulate global-warming pollution from cars. In September, Jackson, together with Transportation Secretary Ray LaHood, reversed the Bush administration's ruling.

Jackson, a Princeton-educated chemical engineer, has spent much of her first eight months on the job re-evaluating Bush policies. She is also using her position to push for greater diversity in the voices that are heard in environmental policy debates. "We have to get someone who sits in an urban setting or who is really concerned about school conditions to see themselves as caring about environmental issues," Jackson, the agency's first African-American administrator, told *National Journal*. "For us to have a vibrant and strong movement for the environment into the future, it means building again the broad coalition that got us the EPA to start with." Edited excerpts from *NJ*'s September 21 interview with Jackson follow.

* *NJ*: Why are you reviewing and reversing many of the Bush administration's environmental policies?

* Jackson: President Obama came in and made it clear that he wants to revitalize national environmental policy and EPA's role in being active in promoting human health and the environment. So we have called for review in those cases where we believe that a regulation or standard didn't necessarily follow sound science. I think that it is extremely important [for people to believe that they] can trust EPA, that sound science is something that we will adhere to.

* *NJ*: Would it be difficult to regulate greenhouse gases under the Clean Air Act rather than through a new law?

* Jackson: There are two tracks here. There has always been the idea of new legislation specifically designed and put together to address carbon dioxide and greenhouse-gas pollution. The belief is based on the idea—and I subscribe to it—that it's better to be market-based. That will provide an incentive, a clear signal, on the price for carbon, and there-

fore the markets will react. And I agree with all of that. I think legislation is the best way to do that.

But I think regulation does the same thing. Any regulatory program also imposes a cost. And industry looks at it and says, "OK, so now we have these new regulations to comply with. How best can we do that?" I believe there are some very good, measured things that can happen with respect to greenhouse gases under the Clean Air Act that are entirely consistent with what I hope will ultimately be climate legislation.

* *NJ*: The Clean Air Act directs EPA to regulate companies that emit at least 250 tons of a hazardous chemical. If you regulate greenhouse gases under the law, do you risk being forced to regulate a lot of small businesses?

* Jackson: I've said over and over that that would not be a satisfactory outcome. If that were the case, then I would agree that it is not the way to regulate smartly. I believe there are things that we can do in terms of the regulatory environment to preclude that outcome.

* *NJ*: The administration recently released draft reports aimed at restoring the health of the Chesapeake Bay. Do you plan to adopt regulations to reach that goal?

* Jackson: There's an ongoing need to force some rigor into the system. But the decisions are tough. EPA recognizes and embraces its fundamental role of sometimes having to be the watchdog to ensure that we don't move away from the tough decisions.

The Chesapeake Bay allows us to use it as a laboratory. I hope that what we learn from some of the things that we try on the bay will be lessons that we can use one way or the other in terms of national policy. The EPA's draft report on the bay got lots of attention because it specifically talked about the opportunities to consider new regulations [targeting such issues as] storm-water runoff from development and enforcement of the existing [industrial animal facility] regulations—and an understanding that we probably need additional regulations even there. So it's both. It's [about the regulations] that you now have on the books and about operations that aren't currently regulated.



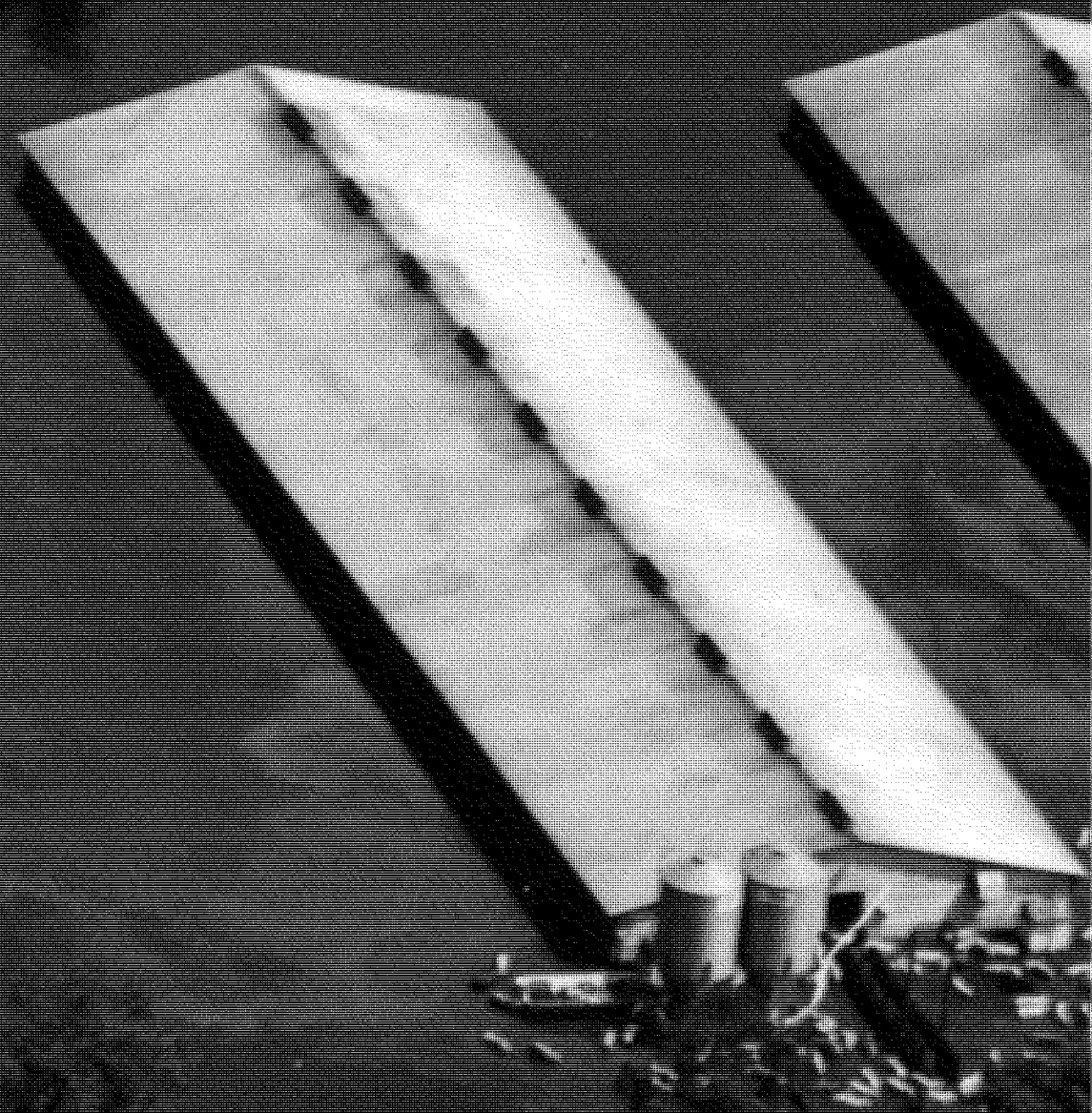
"We have called for review in those cases where we believe that a [Bush-era] regulation or standard didn't necessarily follow sound science."

—Lisa Jackson

mhobson@nationaljournal.com

Cover Story

By almost any measure, this is the greenest White House in history, one that is rapidly reinvigorating federal environmental policy.



the about-Face

* By Margaret Kriz Hobson



* RISING CONCERN: Water pollution from factory farms and elsewhere could take center stage next year.

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reducing pol lution from power plants, fact ories, farms, a



* President Obama quickly made a dramatic break from the policies of the Bush era by pushing to regulate greenhouse-gas emissions.

* as the Senate was confirming EPA's top political appointees, the agency was already producing a steady stream of policy changes.

* an interagency team is readying principles for beefing up chemical-safety laws.

By almost any measure, this is the greenest White House in history, one that is rapidly reinvigorating federal environmental policy in a quest to deliver on the president's campaign promises. How many promises ultimately get kept will hinge in large part on the level of pushback from Congress, the courts, and industry. But, no matter how strong the headwinds, long gone are the days when the Environmental Protection Agency was performing a vanishing act—failing, according to its many critics, to live up to its name.

"Too often [under President Bush] this agency seemed to go out of its way to ignore the science or ignore the law, or find somewhat tortured interpretations of law that at the end of the day didn't hold up," EPA Administrator Lisa Jackson told *National Journal*. "And so in those cases, as much as I'd love to just be able to move forward from day one and be proactive with a whole new agenda, I don't think we're able to build the confidence of the American people that we're really on the job without being willing to take on some of those decisions and relook at them." (See Q & A with Jackson, p. 28.)

During his first month in office, President Obama signaled a dramatic break from his predecessor by pushing to regulate greenhouse-gas emissions, which are blamed for global warming. The president called on EPA to reconsider Bush administration decisions that blocked regulation of carbon dioxide from cars and coal-fired power plants. The new team also dropped a controversial Bush effort to curb mercury emissions from power plants through a pollution-trading program, and vowed to force the nation's 500 coal-fired power plants to stop releasing mercury into the air. (Some of the oldest plants have always been exempted from complying with the 1970 Clean Air Act.)

As the Senate was confirming EPA's top political appointees, the agency was already producing a steady stream of policy changes. It dropped a Bush rule that allowed more than 3,500 factories to avoid giving the public a full accounting of the toxic pollutants they store or emit into the air and water. Regulators ordered Texas and West Virginia to get tougher on polluters. And federal officials sued three utilities that they alleged expanded their coal-fired power plants without meeting associated environmental mandates.

The pace of EPA action picked up early this month when Jackson announced plans to cut carbon dioxide emissions from cars, take a harder look at water pollution from mountaintop mining, and regulate coal-fired power plants' "coal ash" waste ponds, which have been known to leak and contaminate drinking water and streams.

The White House also unveiled two sweeping, multi-agency efforts to tackle the nation's long-neglected water-pollution problems. On September 10, Jackson joined Interior Secretary Ken Salazar and Agriculture Secretary Tom Vilsack in releasing a comprehensive blueprint for cleaning up the Chesapeake Bay by controlling runoff from urban areas, large livestock operations, and farms. The following week, the administration issued a far-reaching ocean-management plan to protect wildlife and water quality in the seas, along the coasts, and in the Great Lakes area. Still in the works is an environmental strategy for the Mississippi River basin, which reaches nearly from the Appalachian Mountains to the Rockies.

Meanwhile, an interagency team is readying principles for beefing up federal chemical-safety laws. Environmental groups want EPA to require chemical manufacturers to test the safety of substances that find their way into the bloodstreams of adults and newborns. Washington environmental experts predict that water-pollution and toxic-chemicals policies could take center stage next year after final action on global-warming legislation.

Jackson acknowledges that EPA has a lot on its plate but insists that the agency is up to the challenge. "Can I deliver? I fully intend to," she said. "More important, the staff here wants to. If anything, the last eight years has made them realize that it's not any fun not being in the forefront of these issues. And it doesn't feel good to know that the American people have lost some amount of confidence [in EPA]. We want that confidence back."

Warnings From Industry

Yes, things have certainly changed at EPA since the Bush era, when the White House balked at controlling greenhouse gases, squeezed the agency's budget, and sometimes insisted that regulators adopt legally dubious interpretations of environmental laws.

Candidate Obama promised to reverse many of those policies, and so far his efforts have elicited praise from Bush's critics and warnings from industry.

"In nine short months, this administration has made demonstrable and highly significant steps toward curbing air pollution," said S. William Becker, executive director of the National Association of Clean Air Agencies, which represents state and local pollution-control officials. Likewise, Anna Aurilio, Washington office director for the advocacy group Environment America, said, "This is a 180-degree turn. We just came off of an administration that was not only hostile to regulating climate change but would go through scientific reports and scrub [any] mention of global warming out."

Some supporters voice caution, however, that Obama's environmental team is likely to hit a political brick wall as agriculture and coal lobbyists ramp up their opposition. "We know that the various regulated industries that are finally going to have to clean up their acts are not going to go quietly," said Bruce Nilles, director of the Sierra Club's "Beyond Coal" campaign. "The reason they've enjoyed these loopholes for all these years is because they're very powerful, and they spend a lot of money, and they've got some very powerful friends in Congress."

Washington lawyer Jeff Holmstead, who ran EPA's air-pollution office during Bush's first term, said that "in their eagerness to satisfy

the environmental community, [Obama officials] have taken some shortcuts" that might not survive legal challenge. "They've misused the process in a way that's never been done before," he said. Specifically, Holmstead said that the Obama administration has reopened consent agreements reached between the Bush administration and electric power companies and ordered the firms to install stricter pollution-control equipment than originally agreed to. Industry groups are also protesting the Obama EPA's decision to postpone the effective dates of rules that were put in place by the Bush White House but opposed by environmental activists.

The business community preferred the Bush administration's emphasis on voluntary environmental protection programs rather than the strengthened pollution regulations that the Obama administration is considering. For example, the National Association of Manufacturers objected that EPA's recent rule setting up a national reporting system for greenhouse-gas emissions is duplicative and burdensome, and will hike business costs for many manufacturers.

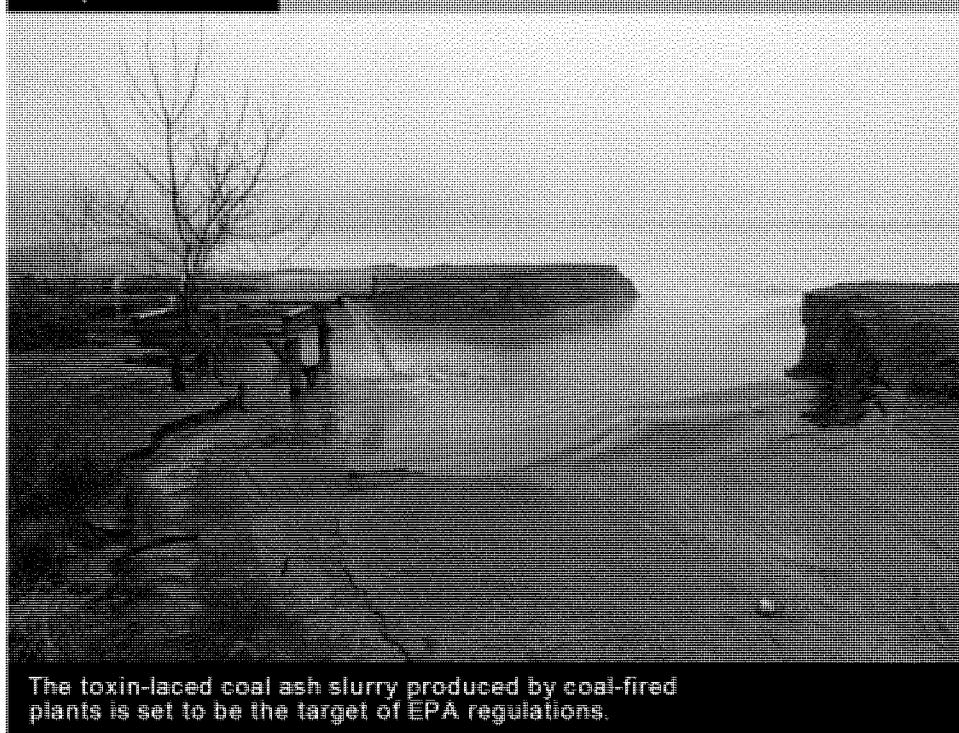
Industry lobbyists argue that companies are likely to file legal challenges against EPA as the administration's new environmental policies become final. In early September, the U.S. Chamber of Commerce and the National Automobile Dealers Association went to court seeking to block EPA's decision to allow California to regu-

* Going Topless



EPA plans to take a harder look at water pollution caused by mining that lops off a mountaintop and dumps it nearby.

Liquid Leftovers



The toxin-laced coal ash slurry produced by coal-fired plants is set to be the target of EPA regulations.

late greenhouse-gas emissions from cars. The groups contend that climate change is an international problem that should not be addressed through state-level regulations.

William Kovacs, who heads the chamber's environment, technology, and regulatory-affairs division, predicts that EPA faces a long battle to protect its new policies. "We're all going to know [whether the new proposals will stand] when the Supreme Court finally decides all these issues," he said.

Team of Veterans

Jackson is leading the charge on strengthening America's environmental policies. But White House energy and climate-change czar Carol Browner, who headed EPA during the Clinton administration, helped draw up the battle plans. In a 16-page essay for the Center for American Progress think tank written before Obama took office, Browner outlined an agenda much like the one the administration is following.

Obama staffed EPA with an all-star team of experts on environmental law and the federal regulatory process. Throughout her career, Jackson has focused on state and federal environmental policy. She worked for EPA for 16 years before going to New Jersey, where she headed the state Environmental Protection Department. More recently, she served as chief of staff there to Gov. Jon Corzine.

Jackson is a force to be reckoned with in the administration's internal discussions, according to people watching her closely. "Lisa knows the agency," said Eric Schaeffer, executive director of the Environmental Integrity Project, a Washington advocacy group. Schaeffer, a former director of EPA's office of civil enforcement, describes Jackson as "decisive," adding, "She's technically sophisticated. She knows what questions to ask."

Jackson's staff includes former Georgetown University Law

School professor Lisa Heinzerling, who was the lead author of legal briefs in the Supreme Court case challenging the Bush administration's decision not to regulate global-warming pollution from cars and trucks. Her work led to the Court's landmark *Massachusetts v. EPA* ruling, which ruled EPA may consider whether climate change endangers health and the environment.

Also on Jackson's team is Robert Sussman, who directed EPA's air office early in the Clinton administration, and David McIntosh, a former aide to Sen. Joe Lieberman, ID-Conn. During the last Congress, McIntosh was instrumental in Lieberman's attempt to get climate-change legislation through the Senate. Obama has nominated Bob Perciasepe as EPA's deputy administrator. Perciasepe headed the agency's air-pollution program late in the Clinton administration.

Other stars in EPA's lineup include Gina McCarthy, assistant administrator of the air and radiation office, and Peter Silva, assistant administrator of the water office. McCarthy has a long history of environmental work in Connecticut

and Massachusetts. Silva is a veteran water engineer who most recently was an adviser to Southern California's Metropolitan Water District.

Obama has asked Congress to boost EPA's budget to \$10.5 billion—a nearly 40 percent jump from its \$7.6 billion fiscal 2009 figure. Much of that increase, which lawmakers have yet to approve, would go to the states for wastewater treatment plants and drinking-water programs.

To be sure, the Obama administration has hit some bumps in its rush to roll back Bush-era policies. It stumbled, for example, while trying to put the brakes on a controversial form of strip-mining. In March, environmental activists celebrated when EPA announced that it would challenge mountaintop mining permits in Kentucky and West Virginia. (Mountaintop mining operations strip off whatever lies above a layer of coal—sometimes hundreds of feet of dirt and rock. The operators dump all of that material into nearby valleys, sometimes blocking the headwaters of streams.)

The Obama EPA's first press release on the topic stated that such mining "would likely cause water-quality problems in streams below the mines, would cause significant degradation to streams buried by mining activities, and that proposed steps to offset these impacts are inadequate." Just hours later, EPA released a much more subdued statement stressing that the agency was "not halting, holding, or placing a moratorium on any of the mining permit applications." Jackson subsequently signed off on most of those permits. Insiders say that the agency's tone changed after the coal industry howled. "They were not prepared for the blowback," one agency insider says. EPA issued a carefully worded statement this month announcing that it planned to delay 79 mountaintop mining projects in Appalachia while regulators assessed their potential impact on water systems and public health.

Trip Van Noppen, president of Earthjustice, an advocacy group, says that the environmental community has "continuing concerns about where the administration is going to go on mountain removal." He is urging EPA to overturn Bush-era rules that open the door to expanded use of the mining technique, but he acknowledged that the wrath of lawmakers from coal-producing states can be powerful. "The politics of coal are complicated in the current Congress," he said.

Some key environmentalists are also unhappy that the White House has not yet issued executive orders to ensure the integrity of federal scientists' reports, streamline the regulatory process, and make its decision-making more transparent. "We'd like to see the logs of all of the agencies opened up to the public so we know which special interests, including us, are meeting with government officials," said Francesca Grifo, director of the Union of Concerned Scientists' scientific-integrity program. During the Bush administration, Grifo's group charged that two-thirds of EPA's scientists had run into political interference.

The president can achieve some of his top environmental goals only through congressional action. The White House wants Congress to amend the Clean Water Act to explicitly cover wetlands and temporary streams. (The Supreme Court ruled in 2006 that the current law applies only to navigable waterways.) The president also wants to strengthen the Toxic Substances Control Act, which governs chemical safety. In addition, Obama's fiscal 2010 budget called on Congress to bankroll the Superfund hazardous-waste cleanup program by reinstating a tax on the chemical and oil industries that expired in 1995. For now, though, when Obama's environmental officials go to Capitol Hill, they focus on climate-change legislation.

Some industry lobbyists argue that the administration's arm-twisting during the House climate-change debate left bad feelings that could hurt Obama's chances of getting what he wants on other environmental issues. Michael Formica, chief environmental counsel for the National Pork Producers Council, said that the White House will have a hard time persuading moderate Democrats from farm states to rewrite the Clean Water Act. "The Blue Dogs in Congress won't go along with it after the votes they had to take on the climate bill," Formica predicts.

Farm groups fear that the White House wants to give government regulators authority over farms and other rural lands. Operators of so-called factory farms, where a large number of animals are crowded together, often drain liquid manure into special lagoons. The waste can foul groundwater or streams if the lagoons leak or get flooded. For now, EPA has no authority to intervene until after a farm has polluted nearby water.

Hot Prospects

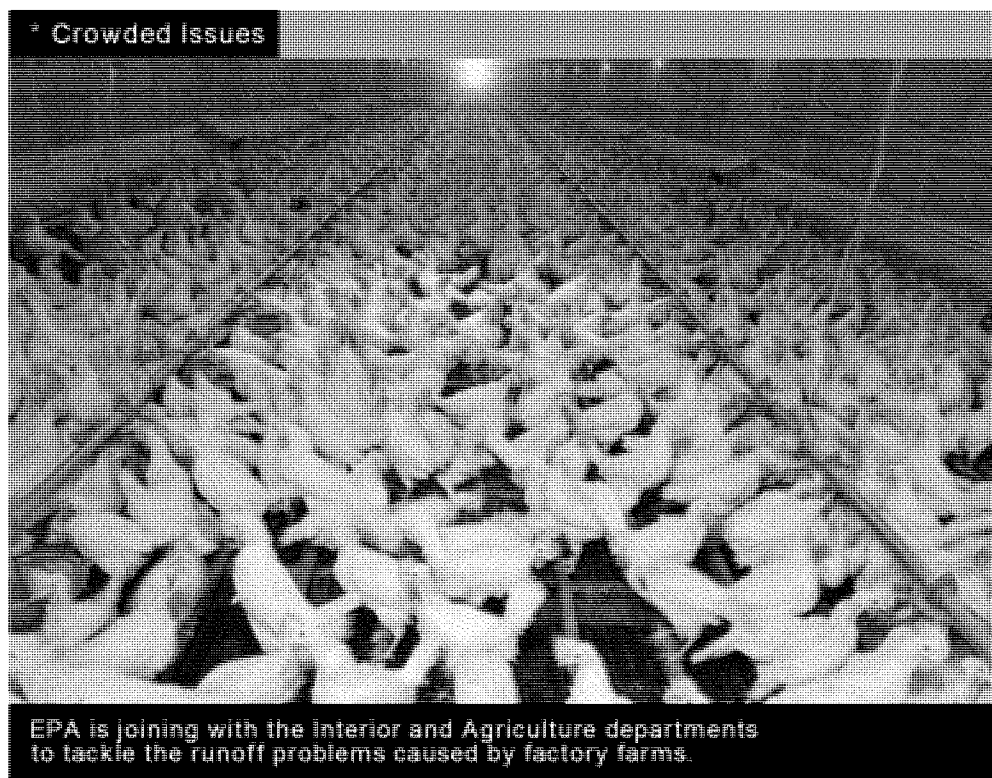
During her first months in office, Jackson's main task has been dismantling the Bush administration's environmental legacy. Bush's

White House took special care to finalize the vast majority of its environmental policy changes before its term ended. To overturn any of those rules, Jackson must start from scratch to build a new legal and scientific record, issue a proposed rule change, and give the public time to comment on the proposed revision. That process can take a year or two. The jury is out on how many changes the administrator and her staff can complete during Obama's current term. Regulatory changes are most likely in the following areas.

- **Climate Change.** Environmental experts from the Obama administration, industry, and Congress tend to agree that the Clean Air Act is not the ideal vehicle for controlling greenhouse-gas emissions. But in 2007, the Supreme Court ruled that EPA has the authority under that law to regulate global-warming pollutants if evidence shows that they endanger public health and welfare. The Bush White House refused to exercise that power.

Obama came into office asking Congress to pass climate-change legislation, and this spring, he put his muscle behind a House bill to cut carbon dioxide emissions through a cap-and-trade program. The House passed a bill in June, but momentum to get a bill through the Senate is waning. EPA is moving ahead with plans to use existing law to control emissions, prompting Republicans in the Senate to look for ways to block the agency from acting on its own.

Early this month, Jackson and Transportation Secretary Ray LaHood released proposals to require automakers to sell more-efficient vehicles and to reduce greenhouse-gas emissions from cars and trucks. That regulatory package was the first part of the White House's multistage climate-change plan. EPA also recently set up a registry requiring major polluters to report their emis-





Trashed

The Great Lakes area is included in the Obama administration's far-reaching plan to improve water quality.

• **Coal.** The nation's most abundant fossil fuel, coal, is at the center of many of the environmental policies that the Bush administration weakened and the Obama administration wants to strengthen. The environmental community is keen on persuading EPA to address two coal-related issues: restricting mountaintop mining and controlling power plants' toxic waste, which operators now keep in unregulated coal ash ponds.

The coal ash problem jumped to the top of many environmentalists' priority lists last December when a retention pond wall collapsed at a Tennessee Valley Authority plant, pouring dangerous chemicals into waterways and flooding nearby houses. Since then, EPA has begun to assess the safety of coal ash impoundment ponds across the nation. And the TVA has conceded that four of its other waste ponds could cause fatalities and serious environmental damage if they ruptured.

Early this month, three environmental groups threatened to sue EPA if regulators fail to crack down on ash ponds. Jackson responded by announcing plans to regulate. "Current regulations, which were issued in 1982, have not kept pace with changes that have occurred in the electric power industry over the last three decades," the agency declared.

EPA studies show that coal plants release millions of pounds of arsenic, lead, mercury, and selenium into ponds each year. Those pollutants can leach into groundwater and contaminate waterways, according to the Defenders of Wildlife, the Environmental Integrity Project, and the Sierra Club, the trio behind the potential suit.

• **Air Pollution.** In the late 1990s, the Clinton administration assembled a team of state, industry, and environmental experts to craft regulations for mercury emissions. The Bush EPA scrapped that effort, instead opting to allow electric companies to trade mercury-pollution credits. Critics complained that the plan could result in high concentrations of mercury near some power plants, and the courts eventually rejected the program. The Obama administration is starting from scratch in developing a mercury-control plan.

"EPA has a legal obligation to issue strong air-toxics rules that will require every power-plant unit in this country of any size to install pollution controls to clean up mercury, lead, arsenic, and all other toxic chemicals," said John Walke, clean-air director of the Natural Resources Defense Council, which filed the lawsuit that prompted EPA to move toward regulating mercury. "That has been something that the utility industry has escaped for the entire 39-year history of the Clean Air Act."

Americans are mainly exposed to mercury, which can cause brain damage, by eating fish from contaminated waters.

• **Water Pollution.** The multi-agency plan to clean up the Chesapeake Bay, coastal waters, and the Great Lakes area includes tackling the politically difficult issues of farm management, urban development, and wastewater treatment plants that overflow into rivers during floods. Environmentalists welcome the Obama initiative. "We've never seen such an interagency effort before aimed at coming up with strategies," said Lynn Thorp, national campaigns coordinator of Clean Water Action. "If that can be real and integrated and have some real force behind it, that is the question."

sions of greenhouse gases. The agency is poised to issue a scientific report on whether carbon dioxide emissions endanger public health and welfare. "It's almost like the Obama administration is carefully constructing a building here, brick by brick, in developing its climate policy," said Frank O'Donnell, president of Clean Air Watch.

Before EPA officials take the final step of issuing a proposed rule to regulate industrial greenhouse gases, however, they want to limit the number of businesses that would be affected. The Clean Air Act requires EPA to regulate companies that emit at least 250 tons of a given hazardous pollutant each year. For greenhouse gases, that could include tens of thousands of small businesses. The White House hopes to craft a small-business exemption, limiting the reach of the regulation to companies that produce at least 25,000 tons of carbon dioxide per year. But Holmstead, who once ran EPA's air office, charges that an exemption would not hold up in court and that, as a result, EPA could be forced to oversee countless businesses.

Jackson contends that her agency is treading carefully in drafting its proposals. "We're not going to put a proposed regulation out that we don't believe stands up to the rule of law," she said. "We believe that there are opportunities that allow us to not start by hitting small businesses or treating everyone the same."

With water-pollution reports from past years gathering dust, activists want the Obama administration to do more than study the problems. "It's not like we've done all that we could do under existing law," said Michele Merkel, the Chesapeake regional coordinator for the Waterkeeper Alliance. "The states have failed to do their jobs in terms of enforcing the laws and issuing strong and protective permits. And EPA has failed in providing adequate oversight to make sure that the states are meeting their obligation."

Robert Martin, former executive director with the Pew Commission on Industrial Farm Animal Protection, said that the growth of industrial farms has complicated regional water-pollution problems. He noted that manure holding ponds can leak or overflow during floods. Because farmers also use the manure to fertilize crops, storms can wash the nutrients into waterways. "It's a complex problem that needs a nuanced, regional approach," he said.

But Formica of the pork producers' council said that farm groups are wary of the Obama administration's push to protect water systems. Such efforts tend to pit farmers against urban officials reluctant to curb the growth that exacerbates water-pollution problems. "The big concern for us is that we'll be blamed for all of the water problems," he said.

In announcing the Chesapeake Bay plan, Vilsack said that the White House will dedicate \$638 million over the next five years to help large livestock farms curb their water pollution. He said that pollution from farming operations is declining, but Jackson noted that agriculture is still responsible "for about half of the pollution in the bay."

• **Chemical Safety.** In 1989, EPA banned the use of asbestos in some consumer products, based on dozens of studies that linked exposure to deadly respiratory illnesses. The agency imposed the restrictions under the Toxic Substances Control Act, the nation's primary chemical-safety law. Two years later, a federal court ruled that loopholes in the law prohibited the ban. Congress has shrugged off calls to strengthen the law, leaving EPA regulators with little power to control toxic chemicals.

In recent years, however, Americans have become increasingly concerned about the chemicals in children's products. Even the American Chemistry Council, which represents the nation's large chemical manufacturers, supports some proposals to rewrite the law. The administration is drawing up a chemical-safety policy, and environmental and business lobbyists say that it could become a hot topic next year.

Jackson agrees: "Chemicals-management reform for the American people is going to be a huge legislative push. And I think the good news is that almost every stakeholder wants some reform. Obviously, the questions to be asked are 'how' and 'what.'"

Richard Wiles, senior vice president for policy and communications at the nonprofit Environmental Working Group, asserts that Congress should mandate "a fundamental overhaul of the

* Through the Haze



EPA's Jackson announced plans this month to cut carbon dioxide emissions from cars.

way we do business now." Wiles wants the government to set strict chemical-safety standards to protect children. He favors requiring chemical companies to prove that their products are safe; current law, by contrast, requires EPA to show that chemicals are unsafe before the agency can regulate them.

Environmentalists are demanding that chemical companies determine which chemicals are prevalent in the bloodstreams of adults, children, or fetuses. "We think biomonitoring would be a very critical step to help set priorities of which chemicals should be extensively tested out of the thousands of chemicals on the market today," Wiles said.

The Obama Stamp

Eight months into an ambitious new administration, the White House and the revitalized EPA are hustling to put President Obama's stamp on environmental policy—challenging a slow-moving regulatory system and the regulated industries' certain resistance. The question remains whether the new team can overturn many of Bush's regulations, establish its own, and create an aggressive green legacy that will outlast Obama's presidency.

mhobson@nationaljournal.com

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To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US
Sent: Thur 9/24/2009 7:29:51 PM
Subject: Re:

Thank you. I will be relieved and much happier if this can be ironed out. I'm glad to hear it will.

From: Richard Windsor/DC/USEPA/US
To: Lisa Heinzerling/DC/USEPA/US@EPA
Date: 09/24/2009 03:21 PM
Subject: Re:

no she didn't. she is the AA and you are the assoc admin. i will speak to her separately. then i want to speak to you both together. this will get ironed out. tx. sorry i haven't gotten involved before. .Lisa

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Thur 9/24/2009 9:32:16 PM
Subject: Laura Yoshii

There are two things on your schedule for California that could -- but do not have to -- include Laura. But she's asked what she should attend.

The first one is the dinner with Silicon Valley executives on Monday night, where I will be with you. The other is on Wednesday night when you go to the NRDC barbecue in the evening (I am going to skip that if it's OK with you).

I've included her in everything else -- the public events obviously, but also the Commonwealth Club Dinner after the speech, For Bill Maher, I'm getting her and the other staff tickets to sit in the audience (not go back stage).

You want her to join you at the NRDC and Silicon Valley dinners?

Seth

Seth Oster
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA;CN=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence Elworth/OU=DC/O=USEPA/C=US@EPA[]; N=Diane Thompson/OU=DC/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence Elworth/OU=DC/O=USEPA/C=US@EPA[]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;CN=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence Elworth/OU=DC/O=USEPA/C=US@EPA[]; N=Lisa Heinzerling/OU=DC/O=USEPA/C=US@EPA;CN=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Ray Spears/OU=DC/O=USEPA/C=US@EPA;CN=Craig Hooks/OU=DC/O=USEPA/C=US@EPA;CN=Arvin Ganesan/OU=DC/O=USEPA/C=US@EPA;CN=Seth Oster/OU=DC/O=USEPA/C=US@EPA;CN=Allyn Brooks-LaSure/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Gina McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence Elworth/OU=DC/O=USEPA/C=US@EPA[]; N=Bob Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Ray

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Spears/OU=DC/O=USEPA/C=US@EPA;CN=Craig
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McCarthy/OU=DC/O=USEPA/C=US@EPA;CN=Lawrence
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Elworth/OU=DC/O=USEPA/C=US@EPA[]; N=Lawrence
Elworth/OU=DC/O=USEPA/C=US@EPA[]

Cc: []

From: CN=David McIntosh/OU=DC/O=USEPA/C=US

Sent: Thur 9/24/2009 10:27:58 PM

Subject: The Senate just passed our approps bill by a vote of 77 to 21

Nothing bad happened. The Senate-passed bill will now go into conference with the House-passed bill.
"Pre-conference" discussions started several days ago.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Scott Fulton/OU=DC/O=USEPA/C=US
Sent: Fri 9/25/2009 12:19:42 PM
Subject: Fw: Terrorist arrest in Dallas

Not sure you saw this one.

----- Forwarded by Scott Fulton/DC/USEPA/US on 09/25/2009 08:19 AM -----

From: Lawrence Starfield/R6/USEPA/US
To: Scott Fulton/DC/USEPA/US@EPA, Miguel Flores/R6/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, David Gray/R6/USEPA/US, "Lynda Carroll" <carroll.lynda@epa.gov>
Date: 09/24/2009 09:15 PM
Subject: Re: Terrorist arrest in Dallas

CONFIDENTIAL

Scott,

I was in the office after 6 pm when several employees called to tell me about this -- it was on the 6 O'Clock News. David Gray, our Communications Director, alerted HQ.

My ARA, Lynda Carroll, checked with building security. They knew about the FBI sting operation, but didn't think there was a risk to us, so they didn't tell us.

Many staff members came by to ask why we didn't alert them. We were planning to leave folks a message tonight saying that employee safety is our first concern, that there is no remaining risk to the building, that we had not been informed by authorities or we would have communicated earlier, etc.

Allyn -- Let us know if you want to coordinate the message to staff.

Call if you'd like to discuss.

Larry
Sent by EPA Wireless E-Mail Services

From: Scott Fulton
Sent: 09/24/2009 08:55 PM EDT
To: Miguel Flores; Lawrence Starfield
Cc: Allyn Brooks-LaSure
Subject: Fw: Terrorist arrest in Dallas

Per my call to Miguel. Note "need to know" requirement. Please limit distribution to essential personnel.

From: Richard Windsor
Sent: 09/24/2009 08:20 PM EDT
To: "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>; Scott Fulton
Subject: Fw: Terrorist arrest in Dallas

From: "Saavedra, Donald" [Donald.Saavedra@dhs.gov]
Sent: 09/24/2009 08:18 PM AST
To: Richard Windsor
Cc: "Saavedra, Donald" <Donald.Saavedra@dhs.gov>
Subject: FW: Terrorist arrest in Dallas

Here is the information that you requested.

Donald C. Saavedra
Senior Intelligence Analyst
IWW
202-282-8309

WARNING: This document contains information that may be exempt from public release under the Freedom of Information Act (5 USC 552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with Department of Homeland Security policy relating to FOUO information, and is not to be released to the public or personnel who do not have a valid "need to know" without prior approval from the originating agency.

From: Capozzi, Michael <CTR> On Behalf Of NOC.FUSION
Sent: Thursday, September 24, 2009 8:04 PM
To: Stokes, Roger
Cc: NOC.FUSION; SL_Field; IA.IWW
Subject: FW: Terrorist arrest in Dallas

FYI

v/r

Michael Capozzi
Fusion Desk Analyst
DHS National Operations Center
3801 Nebraska Avenue NW
Washington, D.C. 20393
202-282-9685

From: Sanderlin, Joshua [mailto:joshua.sanderlin@dps.ci.dallas.tx.us]
Sent: Thursday, September 24, 2009 7:59 PM
To: soc@txdps.state.tx.us; FUSION, NOC
Cc: crimeanalyst@listserv.ci.irving.tx.us
Subject: Terrorist arrest in Dallas

Terrorist suspect arrested in Dallas:

Today at 12:16 pm the FBI/JTTF arrested a 19 year old Jordanian national, Hosam Maher Husein Smadi, illegally in the US, as he attempted to detonate a 500 lb INERT truck bomb - supplied by an FBI undercover Agent - at the Fountain Place office building in downtown Dallas. His arrest was the result of an FBI undercover operation. The public was never in danger. The subject is a self-inspired Sunni extremist acting alone. He will appear in federal

court at 1100 tomorrow. Charged at this time with Attempting to Use a Weapon of Mass Destruction. Other charges to follow. Press release from US Attorney and FBI went out at 5:30 pm and is generating heavy reaction. Subject recently moved from Italy, Ellis County to Hillsboro, Hill County. Search underway in Hillsboro.

I stress that the public was never in danger. This operation was coordinated fully with Dallas PD. I will try to get you a press release if I can. Sending to chiefs in event you get questions from your city leaders. This was a tightly-held UC operation under national FBI direction until this afternoon.

FBI representative.

The Dallas Fusion Center does not possess any further information at this time other than what is available through the media.

Joshua Sanderlin #7730
Detective Analyst
Fusion Center
Strategic Deployment Bureau
Dallas Police Department
Office (214) 671-3482
Blackberry (214) 998-4783

To: windsor.richard@epa.gov[]
Cc: "Allyn Brooks-LaSure" [brooks-lasure.allyn@epa.gov]
From: CN=Seth Oster/OU=DC/O=USEPA/C=US
Sent: Fri 9/25/2009 12:58:31 PM
Subject: Fw: Who the Hell is Dennis Leaf?
[EurActiv 09/04/09](#)
[EurActiv 29/04/09](#)
[EurActiv 15/06/09](#)
[EurActiv 18/08/09](#)
[EurActiv 10/07/09](#)
[EurActiv 11/09/09](#)
[EurActiv 17/09/09](#)

We need to discuss with Gina, as this is apparently her staff. We will do that.

----- Original Message -----

From: David McIntosh

Sent: 09/25/2009 08:33 AM EDT

To: Diane Thompson; Scott Fulton; Lisa Heinzerling; Arvin Ganesan; Seth Oster; Allyn Brooks-LaSure;
Gina McCarthy

Subject: Who the Hell is Dennis Leaf?

President Barack Obama is drawing up a 'Plan B' to regulate greenhouse gases if the US Senate fails to pass legislation needed to mandate the new administration to negotiate an international climate treaty at crunch talks in December, a senior official said yesterday (24 September).

Background:

The global community is currently engaged in negotiations to agree a successor to the Kyoto Protocol, which expires in 2012.

The first United Nations Framework Convention on Climate Change (UNFCCC) talks in Bonn (29 March–8 April) launched negotiations for a draft agreement in view of the final conference in Copenhagen later this year ([EurActiv 09/04/09](#)).

The draft negotiating text, prepared ahead of June's second round of climate talks, revealed a divide between rich and poor countries. Developing nations are asking their industrialised counterparts to commit to sizeable CO2 reductions and to offer financial aid to help poor nations with their efforts. But developed countries have not made any firm commitments on funding, and only the EU has taken on a firm CO2 reduction target, which nevertheless fails to meet the developing world's demands ([EurActiv 29/04/09](#)).

In the meantime, the negotiating text has ballooned to hundreds of pages as all parties have reacted with amendments. Little progress was made at the June talks on financing for developing countries to mitigate and adapt to global warming ([EurActiv 15/06/09](#)), while an informal round in August barely even raised these issues ([EurActiv 18/08/09](#)).

At the sidelines of a G8 meeting in Italy on 9 July, the Major Economies Forum, comprising 17 countries that are accountable for 75% of global emissions, agreed for the first time to limit global warming to two degrees Celsius but failed to come up with targets ([EurActiv 10/07/09](#)).

In an attempt to break the deadlock, the European Commission presented on 10 September a blueprint for international climate funding ([EurActiv 11/09/09](#)). It suggested that the EU's share of climate mitigation and adaptation aid for developing countries could be in the range of 2-15 billion euros a year. Stopping in Brussels on a European speaking tour, Dennis Leaf, a senior adviser at the US Environmental Protection Agency (EPA), sought to ease European fears that the US will not be ready to sign up to a successor to the Kyoto Protocol if the Senate does not pass domestic climate legislation, including a cap-and-trade scheme, ahead of Copenhagen.

The climate bill got through the House of Representatives in June, but only by a very narrow margin.

Indeed, a repeat of the majority achieved in the lower chamber would not see the law through the Senate, where 60 out of 100 votes are required for approval.

"The president wants comprehensive legislation, but at the same time there's a back-up plan," Leaf said.

The US official noted that overarching legislation is the best way to reduce emissions considering the wide range of interests involved, from agriculture to energy and the environment. But he added that as a plan B, the president is setting up a regulatory system that will allow the US to regulate greenhouse gases under the existing Clean Air Act. The US Supreme Court ruled in 2007 that greenhouse gases are air pollutants and should therefore be covered by the Clean Air Act. It invited the EPA to investigate whether these endanger public health or welfare.

At the time, the EPA decided to leave the final decision to the next administration, as then-President George W. Bush had declared that CO₂ is not an air pollutant, Leaf said. But the prospects for successfully regulating global warming gases under existing legislation improved significantly when Obama took office, he added.

Consequently, the EPA proposed in April to classify six key greenhouse gases, including CO₂ and methane, as a threat to public health and welfare. If the final EPA decision, which will possibly be taken before the end of the year, confirms the proposal, this would open the door for the agency to set binding limits on these gases.

If legislation is not passed in the Senate, then the public has the right to petition the EPA to regulate things like electric power plants and industrial sources, Leaf pointed out.

The official argued that this option could be used as leverage over the Senate to push the members into passing the climate bill. Effectively, it would open a new channel for different interest groups to turn to the EPA to demand measures on climate protection.

"If for some reason we said 'no', they could then take us to court," he said. "But I suspect under this administration we would not say 'no'."

Filling the gaps after Copenhagen

Europeans have steadily grown disillusioned with the new US administration, as Obama, hailed as the greenest American leader yet, has not signed up to emission cuts on a European scale.

The EU has made a binding commitment to reducing its CO₂ emissions by 20% from 1990 levels by 2020, and is willing to increase this to 30% should other industrialised countries follow suit. But the draft US climate bill only promises a return to 1990 levels.

Moreover, differences have been reported regarding the institutional arrangements of the new treaty (EurActiv 17/09/09). While Europe wants to retain the architecture set up under the Kyoto Protocol, the Obama administration has told European colleagues that it intends to replace the protocol's structures with its own.

Leaf argued that the US found that the Kyoto Protocol's enforcement mechanisms were blatantly lacking.

"I think when we come in, there'll be much more emphasis on enforcement and repercussions if you don't meet your target," he said.

"We will push for many things that the Japanese and the Europeans probably won't like," the official said. Some of these things would come in Copenhagen and the rest could be filled in afterwards, he concluded.

Next steps:

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Aaron Dickerson/OU=DC/O=USEPA/C=US@EPA;CN=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Eric Wachter/OU=DC/O=USEPA/C=US@EPA;CN=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Goulding/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Fri 9/25/2009 4:03:16 PM
Subject: Fw: Talking Points: No More Time for Delay

FYI

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999
----- Forwarded by Diane Thompson/DC/USEPA/US on 09/25/2009 12:02 PM -----

From: "Milakofsky, Benjamin E." <[Personal Privacy]>
To: "Lu, Christopher P." <[Personal Privacy]> "Smith, Elizabeth S." <[Personal Privacy]> "Kimball, Astri B." <[Personal Privacy]> "Hurlbut, Brandon K." <[Personal Privacy]> "French, Michael J." <[Personal Privacy]> "Milakofsky, Benjamin E." <[Personal Privacy]> "Taylor, Adam R." <[Personal Privacy]>
Date: 09/25/2009 10:08 AM
Subject: Talking Points: No More Time for Delay

Dear Chiefs of Staff:

Please see the below talking points on health insurance reform.

--Cabinet Affairs

Talking Points: No More Time for Delay

- America's health care status quo is unacceptable and unsustainable.
 - o Premiums have more than doubled over the past decade – up five percent this year alone.
 - o 14,000 people a day lose their insurance, and lack of insurance causes at least 18,000 unnecessary deaths a year.
 - o We currently spend about \$2.5 trillion annually on health care, and if we continue on like this, in thirty years, we'll be spending one in every three dollars on health care costs.
- Yet despite the mounting evidence, there are some in Washington who wish to preserve the status quo for as long as possible. And recently they've been urging us to slow down and delay reform for another few weeks, or months, or longer.
 - o The truth is, reform's opponents know that, in Washington, the best way to kill a good idea is to stall it to death.
 - o One Republican Senator offered rare candor this week about why they want to delay action – he said they need a little more time to consult with industry lobbyists.

- Health care is a complicated issue and it's critical we take the time necessary to get it right. That's exactly what we've done.
 - o The House of Representatives has held 79 hearings on health reform over the past two and a half years. The two Senate committees responsible for drafting legislation have held nearly 150 bi-partisan meetings in just the past year alone. One of them considered 287 amendments when drafting its proposal.
 - o We've reached out to stakeholders across the spectrum – doctors, nurses, and hospitals; drug and insurance companies; business, labor, and consumer groups.
 - o Members of Congress, their staffs, and the Obama Administration have devoted thousands of hours to this effort and considered the widest possible range of ideas and proposals.
 - o As a nation, we have debated this issue not just for years, but for generations.
- So while President Obama welcomes constructive debate and sincere attempts to improve health insurance reform legislation before it reaches his desk, he will not tolerate attempts to stall reform to death or block reform for partisan political gain.

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Aaron Dickerson/OU=DC/O=USEPA/C=US@EPA[]
From: CN=Diane Thompson/OU=DC/O=USEPA/C=US
Sent: Fri 9/25/2009 8:50:33 PM
Subject: Fw: Gulf Coast Rebuilding Weekly Update

FYI

Diane E. Thompson

Chief of Staff

U. S. Environmental Protection Agency

202-564-6999

----- Forwarded by Diane Thompson/DC/USEPA/US on 09/25/2009 04:50 PM -----

From: "Whelan, Moira" <Moira.Whehan@dhs.gov>

To: "Leshner, Jan" <Jan.Leshner@dhs.gov>, "Wareing, Tracy" <Tracy.Wareing@dhs.gov>, "Kayyem, Juliette" <Juliette.Kayyem@dhs.gov>, "Tennyson, Stephanie L" <Stephanie.Tennyson@dhs.gov>, "Smith, Sean" <Sean.Smith@dhs.gov>, "Kuban, Sara A" <Sara.Kuban@dhs.gov>, "McNamara, Jason" <Jason.Mcnamara@dhs.gov>, "Fugate, Craig" <Craig.Fugate@dhs.gov>,

Personal Privacy

Personal Privacy

"Stevens, Clark"

<Clark.Stevens@dhs.gov>, "Colburn, Brent" <Brent.Colburn@dhs.gov>, "Hart, Patrick" <Patrick.Hart@dhs.gov>, "Garratt, David" <david.garratt@dhs.gov>, "Wiggins, Chani Winn" <Chani.Wiggins@dhs.gov>, "Peacock, Nelson" <Nelson.Peacock@dhs.gov>, "Pressman, David" <David.Pressman@dhs.gov>, <joan.deboer@dot.gov>, <dave.gresham@hud.gov>,

Personal Privacy

<frederick.tombariii@hud.gov>,

<brian.gill@hud.gov>, "McDonald, Blair" <Blair.Mcdonald@dhs.gov>, <laura.petrou@hhs.gov>, <rima.cohen@hhs.gov>, "Contreras, January" <January.Contreras@dhs.gov>, "Gordon, Andrew S" <Andrew.Gordon@dhs.gov>, <

Personal Privacy

Personal Privacy

Personal Privacy

<donny.williams@hud.gov>, <laurel.a.blatchford@hud.gov>,

Personal Privacy

Personal Privacy

Personal Privacy

<Jennifer.a.greer@usace.army.mil>,

<Andrew.hagelin@hqda.army.mil>, <steven.l.stockton@usace.army.mil>,

<Zoltan.l.montvai@usace.army.mil>, "Grimm, Michael" <michael.grimm@dhs.gov>,

<Deborah.ingram@dhs.gov>, <cantor.eric@dol.gov>, <gambrell@cdfi.treas.gov>, Allyn Brooks-LaSure/DC/USEPA/US@EPA, <mark.newberg@sba.gov>, <steven.smith@sba.gov>,

<Donald.orndoff@va.gov>,

Personal Privacy

<John.cross@do.treas.gov>, <Danielle.l.schopp@hud.gov>,

Personal Privacy

<theodore.a.brown@usace.army.mil>, <todd.m.richardson@hud.gov>, <dominique.blom@hud.gov>,

<jeffrey.riddell@hud.gov>, <david.vargas@hud.gov>, <mark.misczack@fema.gov>, "Fox, Katherine B"

<Katherine.B.Fox@dhs.gov>, <

Personal Privacy

"Monchek, Rafaela"

<rafaela.monchek@dhs.gov>, <carl.highsmith@dot.gov>, <david.matsuda@dot.gov>, "Duggan, Alaina"

<Alaina.Duggan@dhs.gov>, "Campbell, Matt" <matt.campbell@dhs.gov>,

Personal Privacy

Personal Privacy

Jim Hanlon/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA,

<donna.white@hud.gov>, <lnembhard@cns.gov>, <baker.angela@dol.gov>,

Personal Privacy

<McClure, Laura" <Laura.Mcclure@dhs.gov>,

<rstinson@eda.doc.gov>, <pdauidson@eda.doc.gov>, <cosborne@eda.doc.gov>, <ginger.lew@sba.gov>,

<james.rivera@sba.gov>, <eric.zarnikow@sba.gov>, <chris.chan@sba.gov>, <ana.ma@sba.gov>,

<Matthew.Yale@ed.gov>, <johnr.gingrich@va.gov>, <mark.a.linton@hud.gov>, <alexia.kelley@hhs.gov>,

<cgrant2@doc.gov>, "Myers, David" <David.Myers1@dhs.gov>, "Schwartz, Alison"

<Alison.Schwartz@dhs.gov>, <Melanie.N.Roussell@hud.gov>, "Russell, Tony" <Tony.Russell@dhs.gov>
Cc: "Woodka, Janet" <Janet.Woodka@dhs.gov>, "Banta, Drue" <Drue.Banta@dhs.gov>, "Watson, Shannon"
<Shannon.Watson@dhs.gov>, "Fraser, Timothy" <Timothy.Fraser@dhs.gov>, "Simms, Nathan"
<Nathan.Simms@dhs.gov>, "Stewart, Jessica" <Jessica.Stewart@dhs.gov>, "McConnell, Scott"
<Scott.Mcconnell@dhs.gov>, "Lundqvist, Hanna" <Hanna.Lundqvist@dhs.gov>, "Lockett, Terrence"
<Terrence.Lockett@dhs.gov>, "Gehring, Wendy" <Wendy.Gehring@dhs.gov>
Date: 09/25/2009 01:56 PM
Subject: Gulf Coast Rebuilding Weekly Update

Office of the Federal Coordinator for Gulf Coast Rebuilding
Weekly Update 9/25/2009

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Thursday, September 24, was the 4th anniversary of Hurricane Rita. FEMA and the LRA put out a joint press release marking the anniversary, reiterating the Obama Administration's commitment to the region, and listing some of the rebuilding accomplishments.

On Monday, September 21, the Department of Justice released a report describing certain conditions at the Orleans Parish Prison as "unconstitutional." The report details excessive force from staff members, inadequate protection from other inmates, lack of access to medical and mental health services, and unsanitary facilities. Federal officials said they may file a lawsuit if conditions do not improve. Sheriff Marlin Gusman, whose office runs the prison, described the findings as "inaccurate" and based on outdated information.

The LRA Board met on Tuesday September 22. The overall CDBG budget presentation outlined succinctly how monies have been spent. The LRA has spent a total to date of \$9.7 billion of the \$13.4 billion total CDBG allocations in the areas of Housing, Economic Development, Infrastructure, and Planning. Speaker Tucker inquired about any surplus funding but the LRA did not announce what that final number will be. The Board approved all of the action items with no public comment. They include: \$112 million for the Gustav/Ike plan and \$5 million for replacement of Chinese Drywall that may have been used for rebuilding. Speculation has been that there may be more than 1000 cases in the state.

On Thursday, September 24, FEMA Region Six held an information session on the arbitration process. There were approximately 100 stakeholders in attendance. The information session was valuable as it provided context and specific timelines for those projects eligible for arbitration and outlined at a high level, the arbitration process.

On Thursday, a federal jury rejected claims that a government-issued trailer exposed plaintiffs to dangerous fumes. The jury concluded that Fluor Enterprises Inc., which had a contract to install FEMA trailers, wasn't negligent. The New Orleans Times Picayune reported that "The federal government wasn't a defendant in this first of several 'bellwether' trials, which are designed to help the New Orleans court test the merits and possibly settle of other claims over formaldehyde exposure in FEMA trailers."

On Monday, September 21, the Times-Picayune reported that current New Orleans area mental health care is worse than pre-Katrina. New Orleans' suicide rate is nearly twice the national level.

Last week the National Commission on Children and Disasters released an interim report. The Children's Defense Fund has also released a report on lessons learned regarding children in disasters, which calls attention to shortcomings in the FEMA Robert Stafford Act and advocates that U.S. policy be aligned with United Nations principles.

Brig. Gen. Mike Walsh from the New Orleans District of the Corps of Engineers and the Mississippi River Commission visited DC September 21-24 to meet with Congressional leaders.

America's Wetland Foundation, Coalition to Restore Coastal Louisiana, Ducks Unlimited, Environmental Defense Fund, Gulf Restoration Network, National Audubon Society, National Wildlife Federation and the Nature Conservancy sponsored a legislative briefing on September 23 on the need to restore Louisiana's coastal wetlands. The sponsors also hosted a reception.

On Friday, September 25, Senator Landrieu, in her capacity as chairman of the Senate Small Business and

Entrepreneurship Committee, chaired a field hearing in Galveston, TX, on the lessons learned and the progress made after Hurricane Ike. Texas Senators Kay Bailey Hutchison (R) and John Cornyn (R) joined the Senator and representatives from the Small Business Administration (SBA), HUD, and the Federal Emergency Management Agency (FEMA) in testifying at the field hearing.

This week the National Black MBA Association held its 31st Annual Conference and Exposition in New Orleans. This event focused on career networking workshops, leadership development, and business school preparation. This conference attracted an estimated 20,000 participants to the city.

Louisiana Congressional delegation staff members had meetings with HHS staff and Bureau of Economic Analysis to discuss Louisiana's pending FMAP decrease in FY2011.

This week, Federal Coordinator Janet Woodka met the Children's Defense Fund and the Katrina Citizens' Leadership Corps, and received a briefing on Army Corps of Engineers issues along with Sally Ericsson of OMB and Ms. Jo-Ellen Darcy (ASA(CW)).

Federal Coordinator Woodka also met with New Orleans Sewerage and Water Board representatives along with White House officials.

GCR staff met with Catherine Gautier, the Executive Director for Hands On Gulf Coast. We discussed their recent \$400,000 grant awarded to them from the Kellogg Foundation and their expansion in MS. Hands On Gulf Coast is also looking to increase their current AmeriCorps membership to help with their new expansion.

GCR staff met with the MS Housing Resource Center to discuss the current housing situation in Mississippi and their case management issues with the remaining temporary displaced clients. Staff also met with Chris Monforton and Wendy McDonald from Habitat for Humanity Gulf Coast and Hancock County. The discussion centered on their concerns and needs to continue the rebuilding of the Gulf Coast as well as the use of low income tax credits to finance Habitat homes.

Comings and Goings

The Louisiana Center for Women and Government is sponsoring a National Leadership Summit in Environment and Energy in New Orleans on September 24-26 in New Orleans. In addition to the topical speakers, Senator Landrieu and Senator Murkowski are scheduled to speak as well as former La. Governor Kathleen Blanco and La. First Lady Supriya Jindal.

Historic Restoration, Inc. will be in DC September 29-30 with other partners taking meetings discussing the GO Zone Historic Tax Credit.

NCAA baseball champions, the LSU Tigers, will visit the White House on Wednesday, September 30.

The NATO Parliamentary Assembly plans to visit New York City and New Orleans on an emergency preparedness and disaster response trip October 3-5. FEMA Office of International Affairs is supporting the trip.

On October 7 and 8, Ms. Jo Ellen Darcy, Assistant Secretary of the Army for Civil Works, will be visiting the Corps' New Orleans and Mobile Districts. Ms. Darcy plans to tour the Inner Harbor Navigation Canal storm surge barrier and other parts of the hurricane protection system and associated projects. She will also be gathering information about the Mississippi Coastal Improvements Program, a comprehensive plan for barrier island and ecosystem restoration in Jackson, Hancock and Harrison counties.

On October 12, Senator Landrieu is scheduled to tour the Inner Harbor Navigation Canal storm surge barrier.

On October 29-30, General Temple will be in New Orleans for site visits on the hurricane protection system.

Forthcoming

The House Appropriations Surveys and Investigations report on the Corps is due September 2009.

The House Transportation and Infrastructure Committee will hold a hearing on September 29th on public assistance. A representative from FEMA, the LRA's Paul Rainwater, and a representative from St. Bernard Parish are among those expected to testify.

The Waterways Council, Inc.'s sixth annual Waterways Symposium will take place in New Orleans on Oct. 12-14.

The conference will explore the challenges faced by the waterways industry including the changing economic environment, significant infrastructure needs, and a litany of legislative issues. Members of the corps are expected to attend and possibly present.

Neighborhood Funders Group will host their annual conference October 13-15 in New Orleans at the Loews Hotel.

The conference explores how philanthropy can support and expand vibrant civic engagement through partnerships between government, philanthropy and communities. Secretary of Labor Hilda Solis has been invited to speak. The JCPA and CC-USA "Good Jobs, Green Jobs" mobilization will take place in New Orleans October 14-21. October 16-18 is the Mississippi Center for Justice's Great Mississippi River Road Trip, which highlights their work on advancing racial and economic justice across the state. LANO will hold its annual conference in Baton Rouge October 20-22. The Greek Orthodox Church Symposium on Religion, Science, and the Environment - "The Great Mississippi River: Restoring Balance" will be in New Orleans October 20 -26. This marks the first time that the symposium has been held in the United States. A number of Administration officials have been invited. The World War II Museum in New Orleans will celebrate the opening of a new wing, November 6-8 as part of a \$300 million expansion project, paid for through federal funds. A GAO report on Gulf Coast Rebuilding and housing issues in the Gulf Coast is expected to be issued in December. On December 2-4, the Soros Foundation will hold its annual conference in New Orleans. The National Fusion Center Conference will be held in New Orleans in March, 2010.

Moira Whelan
Deputy, Office of the Federal Coordinator for Gulf Coast Rebuilding
202-325-0196

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;"Diane Thompson" [thompson.diane@epa.gov]; N=Chuck Fox/OU=CBP/O=USEPA/C=US@EPA;CN=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;"Diane Thompson" [thompson.diane@epa.gov]; N=Scott Fulton/OU=DC/O=USEPA/C=US@EPA;"Diane Thompson" [thompson.diane@epa.gov]; Diane Thompson" [thompson.diane@epa.gov]
From: CN=Bob Sussman/OU=DC/O=USEPA/C=US
Sent: Sun 9/27/2009 1:18:46 PM
Subject: Re: Date for Finalizing the CB TMDL

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Chuck Fox/CBP/USEPA/US@EPA, "Diane Thompson" <thompson.diane@epa.gov>
Date: 09/27/2009 09:13 AM
Subject: Re: Date for Finalizing the CB TMDL

Deliberative

----- Original Message -----

From: Bob Sussman
Sent: 09/27/2009 08:56 AM EDT
To: Scott Fulton
Cc: Bob Perciasepe; Chuck Fox; Richard Windsor
Subject: Re: Date for Finalizing the CB TMDL

Will do -- although I'll be at temple first thing Monday am. Don't know about the contingency -- and whether it will set off alarm bells with CBF. This negotiation has been a constant process of CBF pushing EPA and claiming bad faith and EPA very reluctantly (mainly because of my prodding) stepping up.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Scott Fulton/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA

Cc: Bob Perciasepe/DC/USEPA/US@EPA, Chuck Fox/CBP/USEPA/US@EPA
Date: 09/27/2009 08:44 AM
Subject: Re: Date for Finalizing the CB TMDL

Bob - Suggest you pull Bill and Pete (and Chuck) into a conversation first thing tomorrow to share your concerns. I'm sure Bob P. or I can convene or join as necessary.
Also, is there a way that we can build a contingency in the consent decree that would allow us to stick with the milestones we've announced but offer a basis for slipping the dates down the road if we run into trouble finishing the TMDL? Scott

----- Original Message -----

From: Bob Sussman
Sent: 09/27/2009 07:24 AM EDT
To: Richard Windsor
Cc: Bob Perciasepe; Scott Fulton; Chuck Fox
Subject: Fw: Date for Finalizing the CB TMDL

Now we're beginning to get the story. I do not want to jeopardize the settlement and be criticized for backing away from dates weeks after we announce them publicly. I am concerned that bill early and pete silva are MIA on this.

----- Original Message -----

From: Mike Shapiro
Sent: 09/26/2009 07:32 PM EDT
To: Bob Sussman; Peter Silva; William Early; Jon Capacasa; Chuck Fox
Cc: Bob Perciasepe; Scott Fulton
Subject: Re: Date for Finalizing the CB TMDL

Bob,

We will be forwarding a background paper to you.. There is a legitimate concern that a Dec 2010 date will not give the states enough time to put implementation plans in place that will satisfy our expectations, at least in part because EPA is behind schedule in providing the load reduction numbers.

Mike

----- Original Message -----

From: Bob Sussman
Sent: 09/26/2009 04:15 PM EDT
To: Peter Silva; Mike Shapiro; William Early; Jon Capacasa; Chuck Fox
Cc: Bob Perciasepe; Scott Fulton
Subject: Date for Finalizing the CB TMDL

After some difficult moments, we seem to be making progress in our negotiations with CBF, with a settlement agreement within reach. However, one troubling development is the desire of R3 staff participating in the negotiations to move the date for finalizing the TMDL from December 31, 2010 to May 2011. The 2010 date is in our draft report under the EO and has been affirmed publicly by the agency on a number of occasions. States and other stakeholders have accepted the date and formed their plans and expectations around it. CBF reportedly was disturbed when we mentioned the possibility of moving the date in our negotiations this week and saw it as evidence of a lack of commitment on EPA's part.

I'm not familiar with all the difficulties with the current date but am disturbed that this issue is surfacing for the

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

To: CN=Richard Windsor/OU=DC/O=USEPA/C=US@EPA[]
Cc: CN=Bob Perciasepe/OU=DC/O=USEPA/C=US@EPA;CN=Bob
Sussman/OU=DC/O=USEPA/C=US@EPA;CN=Scott
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Fulton/OU=DC/O=USEPA/C=US@EPA;"Diane Thompson" [thompson.diane@epa.gov]; Diane
Thompson" [thompson.diane@epa.gov]
From: CN=Chuck Fox/OU=CBP/O=USEPA/C=US
Sent: Sun 9/27/2009 1:31:47 PM
Subject: Re: Date for Finalizing the CB TMDL

Colleagues,
I'd like to offer a few brief comments and observations.

Deliberative

Is this helpful? Does this sound right? Bob S./Scott, how about I give you a call this evening or first thing in the AM, after I read through all the details from last week.

Chuck

J. Charles Fox
Senior Advisor to the Administrator
Environmental Protection Agency
410 Severn Avenue, Ste 109
410-267-5730
410-267-5777 (f)

From: Richard Windsor/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Chuck Fox/CBP/USEPA/US@EPA, "Diane Thompson" <thompson.diane@epa.gov>
Date: 09/27/2009 09:14 AM
Subject: Re: Date for Finalizing the CB TMDL

Deliberative

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From: Bob Sussman
Sent: 09/27/2009 08:56 AM EDT
To: Scott Fulton
Cc: Bob Perciasepe; Chuck Fox; Richard Windsor
Subject: Re: Date for Finalizing the CB TMDL

Deliberative

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

From: Scott Fulton/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Chuck Fox/CBP/USEPA/US@EPA
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